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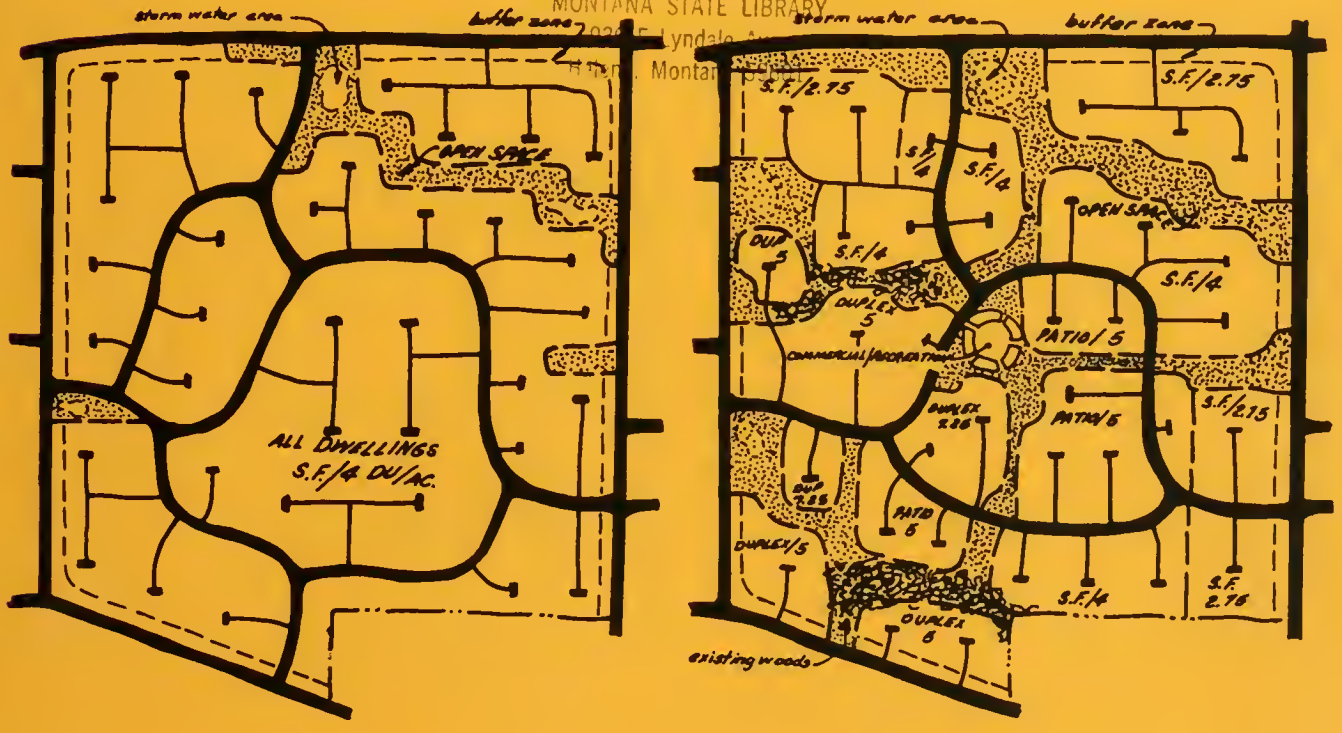

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Cluster Plan Concept

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HELENA, MONTANA

Harold A. Fryslie
Director

Harold M. Price, Administrator
Planning Division

January, 1980

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Prepared by the Community Development Division of the Department of Community Affairs, pursuant to the Montana Subdivision and Platting Act (Title 76, Chapter 3, M.C.A.). The preparation of this document was financed in part through a grant from the Department of Housing and Urban Development, under the provisions of Section 701 of the Housing Act of 1974, as amended.

I. GENERAL PROVISIONS

A. Title

These regulations shall be known and may be cited as "The Subdivision Regulations of ."

B. Authority

Authorization for these subdivision regulations is contained in the Montana Subdivision and Platting Act (Title 76, Chapter 3, M.C.A. and ARM 22-2.4B(1)-S400 through 22-2.4B (26)-S4070).

C. Purpose

The purposes of these regulations are to promote the public health, safety, and general welfare and to provide for:

1. The orderly development of the jurisdictional area.
2. The coordination of roads within subdivided land with other roads, both existing and planned.
3. The dedication of land for roadways and for public utility easements.
4. The improvement of roads.
5. The provision of adequate open spaces for travel, light, air and recreation.
6. The provision of adequate transportation, water, drainage, and sanitary facilities.
7. The avoidance or minimization of congestion.
8. The avoidance of subdivision which would involve unnecessary environmental degradation.
9. The encouragement of subdivision development in harmony with the natural environment.
10. The avoidance of danger or injury by reason of natural hazard or the lack of water, drainage, access, transportation or other public services.
11. The avoidance of excessive expenditure of public funds for the supply of public services.
12. The manner and form of making and filing of any plat for subdivided lands.

13. The administration of these regulations by defining the powers and duties of approving authorities including procedures for the review and approval of all plats of subdivisions covered by these provisions.

D. Jurisdiction

These regulations govern the subdivision of land within the jurisdictional area of the governing body of

.

If a proposed subdivision lies within one mile of a third class city or town or within two miles of a second class city or within three miles of a first class city the county governing body must submit the preliminary plat to the city or town governing body or its designated agent for review and comment. If a proposed subdivision lies partly within an incorporated city or town, the preliminary plat must be submitted to and approved by both the city or town and the county governing bodies.

These regulations supplement all other regulations, and where they are at variance with other laws, regulations, ordinances, or resolutions, the more restrictive requirements shall apply.

E. Severability

Where any word, phrase, clause, sentence, paragraph, or section, or other part of these regulations is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid.

F. Definitions

Whenever the following words or phrases appear in this text, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense shall include the future; the singular shall include the plural, and the plural the singular; the word "shall" is always mandatory, and the word "may" indicates use of discretion in making decisions.

1. BLOCK: A group of lots, tracts or parcels within well defined and fixed boundaries.

2. CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a registered land surveyor for the purpose of disclosing facts pertaining to boundary locations.

3. COMPREHENSIVE PLAN: A master plan as defined in Section 76-1-103, M.C.A.

4. CONDOMINIUM: A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project with the land and all other parts of the project held in common ownership or use with owners of the other units.

5. COVENANT: An agreement, in writing, of two or more parties by which any of the parties pledges himself to the others that something is done or shall be done.

6. DEDICATION: The deliberate appropriation of land by an owner for any general and public use, reserving himself no rights which are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted.

7. DIVISION OF LAND: The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring, or contracting to transfer, title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the Montana Subdivision and Platting Act. Provided that where required by the Act the land upon which an improvement is situated has been subdivided in compliance with the Act, the sale, rent, lease or other conveyance of one or more parts of a building, structure, or other improvement situated on one or more parcels of land is not a division of land and is not subject to the terms of the Act.

8. DWELLING UNIT: Any building or portion thereof providing complete, independent and permanent living facilities for one family.

9. EASEMENT: A right to use land, other than as a tenant, for a specific purpose; such right being held by someone other than the owner.

10. ENGINEER (REGISTERED PROFESSIONAL ENGINEER): A person licensed in conformance with the Montana Professional Engineers' Registration Act (Title 37, Chapter 67) to practice engineering in the State of Montana.

11. EXAMINING LAND SURVEYOR: A registered land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.

12. FLOOD: The water of any watercourse or drainway which is above the bank or outside the channel and banks of such watercourse or drainway.

13. FLOOD OF 100 YEAR FREQUENCY: A flood magnitude expected to recur on the average of once every one hundred years, or a flood magnitude which has a one per cent chance of occuring in any given year.

14. FLOODPLAIN: The area adjoining the watercourse or drainway which would be covered by the flood water of a flood of one hundred year frequency.

15. FLOODWAY: The channel of a watercourse or drainway and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

16. GOVERNING BODY:

17. IMMEDIATE FAMILY: The spouse of the grantor and the children of the grantor by blood or adoption. (Attorney General Opinion, Volume No. 35, Opinion No. 70)

18. LOCATION MAP: A small scale map showing the location of a tract of land in relation to a larger land area.

19. LOT: A parcel, plot or other land area created by subdivision for sale, lease, or rent.

20. LOT MEASUREMENTS:

    a. Lot Depth -- The length of a line drawn perpendicularly to the front lot line and extending to the rear lot line.

    b. Lot Width -- The average width of the lot.

    c. Lot Frontage -- The width of the front lot line.

    d. Lot Area -- The area of a lot determined exclusive of street, highway, alley, road, or other rights-of way.

21. LOT TYPES:

    a. Corner Lot: A lot located at the intersection of two streets.

    b. Interior Lot: A lot with frontage on only one street.

22. MINOR SUBDIVISION: A subdivision containing five (5) or fewer parcels where proper access to all lots is provided, where no land in the subdivision will be dedicated to public use for parks or playgrounds.

23. MOBILE HOME: A factory-assembled structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its (their) own running gear and designed to be used as a dwelling unit(s) without a permanent foundation.

24. MOBILE HOME LOT: A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

25. MOBILE HOME PARK: A tract of land providing two or more mobile home lots for lease or rent to the general public.

26. MOBILE HOME STAND: That area of a mobile home lot which has been prepared for the placement of a mobile home.

27. MONUMENT (PERMANENT MONUMENT): Any structure of masonry, metal, or other permanent material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.

28. OCCASIONAL SALE: Means one sale of a division of land within any twelve-month period.

29. OPEN SPACE: A land or water area devoid of buildings and other physical structures except where accessory to the provision of recreation.

30. OVERALL DEVELOPMENT PLAN: The plan of a subdivision design for a single tract proposed to be subdivided by stages.

31. PLANNED UNIT DEVELOPMENT (PUD): A land development project consisting of residential clusters, industrial parks, shopping centers, or office building parks, or any combination thereof which comprises a planned mixture of land uses built in a prearranged relationship to each other and having open space and community facilities in a common ownership or use.

32. PLANNING BOARD: formed pursuant to Title 76, Chapter 1, M.C.A.

33. PLAT: A graphic representation of a subdivision showing the division of land into lots, parcels, blocks, streets, and alleys, and other divisions and dedications.

a. Preliminary Plat: A neat and scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision which furnish a basis for review by a governing body.

b. Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, M.C.A. and ARM 22-2.4B(1)-S400 through ARM 22-2.4B(30)-S4100).

c. Amended Plat: The final drawing of any change to a platted subdivision filed with the county clerk and recorder required to be prepared for filing for record with the county clerk and recorder and containing all elements and requirements set forth in these regulations and the Montana Subdivision and Platting Act. (Title 76, Chapter 3, M.C.A. and ARM 22-2.4B(1)-S400 through ARM 22-2.4B(30)-S4100).

d. Vacated Plat: A plat which has been removed from the county record under provisions of Sections 11-2801 through 11-2805, R.C.M. 1947.

34. PUBLIC IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or the general public such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, sewage disposal and drainage.

35. RECREATIONAL VEHICLE PARK: A place used for public camping where persons can rent space to park individual camping trailers, pick-up campers, motorhomes, travel trailers or automobiles for transient dwelling purposes.

36. RECREATIONAL VEHICLE SPACE: A designated portion of a recreational vehicle park designed for the placement of a single recreational vehicle and the exclusive use of its occupants.

37. RIGHT-OF-WAY: A strip of land dedicated or acquired for use as a public way.

38. STATE: The State of Montana

39. STREET TYPES: For purposes of these regulations, street types are defined as follows:

    a. Alley: A street used primarily for vehicular access to the rear of properties which abut on and are served by public roads.

    b. Arterial: A street or road having the primary function of moving traffic and the secondary function of providing access to adjacent land. Arterials generally carry relatively large volumes of traffic. Arterials have two to four lanes of moving traffic and provide limited access to abutting property.

    c. Collector: A street or road having the equally important functions of moving traffic and providing access to adjacent land. Collector streets have two moving traffic lanes and two parking lanes.

    d. Local Streets: A street or road having the primary function of serving abutting properties, and the secondary function of moving traffic. Local streets have two moving lanes of traffic and one or two parking lanes and provide access to abutting properties.

    e. Dead-end Street: A street having only one outlet for vehicular traffic.

    f. Half-Street: A portion of the width of a street, usually along the outside perimeter of a subdivision, where the remaining portion of the street must be located on adjacent property.

    g. Cul-de-sac: A street having only one outlet for vehicular traffic and terminating in a turnaround area.

    h. Loop: A local street which begins and ends on the same street, generally used for access to properties.

    i. Frontage Access (Service Road): A local or collector street, usually parallel and adjacent to an arterial or major collector, which provides access to abutting properties and controls traffic access to arterials or collectors.

40. SUBDIVIDER: Any person, firm or corporation, or other entity who causes land to be subdivided or who proposes a subdivision of land.

41. SUBDIVISION: A division of land or land so divided, which creates one or more parcels containing less than twenty (20) acres, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed, and shall include any resubdivision; and shall further include any condominium or area, regardless of its size, which provides or will provide multiple space for recreational camping vehicles, or mobile homes. A subdivision shall comprise only those parcels less than twenty (20) acres which have been segregated from the original tract, and the plat thereof shall show all such parcels whether contiguous or not. Provided, however, condominiums constructed on land divided in compliance with the Montana Subdivision and Platting Act are exempt from the provisions of the Act.

    a. Rural Subdivision: A subdivision within which the density of development is not more than one dwelling unit per acre exclusive of public roadways, and which is located one mile or more from a third class city, two miles or more from a second class city, or three miles or more from a first class city.

    b. Urban-Suburban Subdivision: A subdivision within which the density of development is greater than one dwelling unit per acre exclusive of public roadways, or which is located within one mile of a town or third class city, two miles of a second class city, or three miles of a first class city.

42. SURVEYOR (REGISTERED LAND SURVEYOR): A person licensed in conformance with the Montana Professional Engineers' Registration Act (Title 37, Chapter 67, M.C.A.) to practice surveying in the State of Montana.

43. SWALE: A drainage channel or shallow depression designed to direct surface water flow.

44. TRACT: Land area proposed to be subdivided.

45. VICINITY SKETCH: A map at a scale suitable to locate the proposed subdivision, showing the boundary lines of all adjacent properties and streets and other in-

formation necessary to determine the general location of the proposed subdivision.

46. WATERCOURSE: A natural depression or channel which gives direction to a current of water at any time of the year.

II. PROCEDURES

A. Plat Review and Approval

1. General Requirements

No subdivider shall proceed with any construction work on the proposed subdivision, including grading or excavation relating to public improvements, until he has obtained from the governing body preliminary approval of the proposed subdivision plat.

A final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner, except after the preliminary plat of a subdivision has been approved or conditionally approved the subdivider may enter into contracts to sell lots in the proposed subdivision if all of the following conditions are met:

a. That under the terms of the contracts the purchasers of lots in the proposed subdivision make any payments to an escrow agent which must be a bank or savings and loan association chartered to do business in the State of Montana.

b. That under the terms of the contracts and the escrow agreement the payments made by purchasers of lots in the proposed subdivision may not be distributed by the escrow agent to the subdivider until the final plat of the subdivision is filed with the county clerk and recorder.

c. That the contracts and the escrow agreement provide that if the final plat of the proposed subdivision is not filed with the county clerk and recorder within two years of the preliminary plat approval, the escrow agent shall immediately refund to each purchaser any payments he has made under the contract, and

d. That the contracts contain the following language conspicuously set out therein: "The real property which is the subject hereof has not been finally platted, and until a final plat identifying the property has been filed with the county clerk and recorder, title to the property cannot be transferred in any manner."

2. Pre-Application Procedures

The subdivider should meet with the planning board prior to the submitting the required preliminary plat. The purpose of this meeting is to discuss these regulations and standards to familiarize the subdivider with the applicable goals and objectives of ; and to discuss the proposed subdivision as it relates to these

matters. The subdivider should provide a sketch plan of the proposed subdivision for review and discussion. The sketch plan should be legibly drawn showing in simple form the layout of proposed features in relation to existing conditions. The sketch plan may be a freehand sketch made directly on a print of a topographic map. Scale dimensions should be noted. The sketch plan should include pertinent information such as: approximate tract and lot boundaries, location of easements, utilities, rights-of-way, parks and open spaces, and a description of general terrain, natural features, existing structures and improvements, and proposed public improvements.

3. Preliminary Plat Required

The subdivider shall submit for review and approval a preliminary plat of the proposed subdivision which conforms to the requirements of these regulations, unless exempted under Section 20 of these regulations, Summary Review of Minor Subdivisions.

4. Preliminary Plat Submission and Distribution

An application for approval of the preliminary plat, (see form #2, Appendix C) together with the appropriate review fee and * copies of the preliminary plat and plat supplements, shall be submitted to a regular meeting of the planning board. For any subdivision not exempted from all or any portion of the environmental assessment pursuant to Section 8 and 20 of these regulations, the subdivider shall submit six (6) additional copies of the preliminary plat and supplements to the designated agent who will forward them to the Division of Planning, Montana Department of Community Affairs, for distribution to reviewing state agencies.

Provided, however, that if a proposed subdivision is to be located within the boundaries of an incorporated city or town, the governing body may waive state agency review and reduce the number of plats required accordingly. If the subdivision conforms to the adopted comprehensive plan, meets the zoning regulations and is within an adopted long-range development program of public works projects the environmental assessment is waived.

* (The Governing Body shall require as many copies of the preliminary plat and supplements as it deems necessary for its review and for the review of local agencies and utilities having a substantial interest in proposed subdivision. Such agencies may include school, fire and conservation districts; local office of the United States Forest Services, Bureau of Land Management, or Soil Conservation Services; and other appropriate bodies.)

The sixty (60) day review and approval period shall commence with the regular meeting of the planning board provided that all requirements for the form and content of the preliminary plat and its supplements are met and all applicable review fees have been paid in full. Review by public agencies or utilities shall not delay the governing body's action on the plat beyond this time limit, and the failure of any agency to complete a review of a plat shall not be a basis for rejection of the plat by the governing body. Any review comments shall be made available upon receipt to the subdivider and to the general public.

5. Preliminary Plat Form

A legible preliminary plat shall be submitted at a scale sufficient to minimize the number of sheets while maintaining clarity and shall be on one or more sheet either 18 x 24 or 24 x 36 inches in size.

6. Preliminary Plat Contents

The preliminary plat submitted for approval shall show or contain on the face of the plat or on separate sheets referenced on the face of the plat: (The DHES/Local Government Joint Subdivision Application Form may be used to submit the information)

a. Name and location of the subdivision, scale, north arrow, and date of preparation.

b. The approximate exterior boundaries of the tract.

c. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary.

d. All lots and blocks, designated by numbers, and the approximate dimensions and area of each lot.

e. All streets, alleys, avenues, roads and highways, and the width of the right-of-way, grades and curvature of each with existing and proposed street names, and proposed locations of intersections or other access points for any subdivision requiring access to arterial or collector highways.

f. The approximate location, boundaries, dimensions and areas of any parks, common grounds, or other grounds dedicated for public use.

g. Any existing and proposed utilities located on or adjacent to the tract including:

1) The approximate location, size and depth of sanitary and storm sewers.
2) The approximate location and size of water mains and fire hydrants.
3) The approximate location of gas, electric and telephone lines, and street lights.
4) The approximate location of nearest water mains and sewer lines where none are located on or adjacent to the tract.

h. Ground contours shall be provided for the tract according to the following requirements:

Where average slope is -	Contour intervals shall be -
Under 10%	2 feet (If all lots are over one acre in size, 5 feet intervals may be used.)
Between 10% & 15%	5 feet
15% or greater	10 feet

United States Geological Survey data or other information may be used, if it meets the foregoing interval requirements.

i. The approximate location of existing buildings, structures and improvements.

j. The approximate location and identity of all existing easements and rights-of-way of record and proposed public and private easements and rights-of-way, including description of their width and purpose.

7. Preliminary Plat Supplements

The following shall be supplied with and considered a part of the preliminary plat:

a. A vicinity sketch or sketches showing conditions on adjacent land including:

1) The names of adjoining platted subdivisions and numbers of adjoining certificates of survey previously recorded.

2) The ownership of lands adjacent to the subdivision and to any access road leading from a present public right-of-way to the boundary of the proposed subdivision.

3) Location of any buildings, railroads, power

lines, towers, roads and other nearby land uses.

4) Any existing or proposed zoning.

b. A current U.S. Geological Survey topographic map, an aerial photograph or a location map of the largest scale available, with an outline of the subdivision clearly indicated thereon may be used to provide the information required in (a).

c. When a tract of land is to be subdivided in phases, the subdivider must provide an overall development plan indicating his intentions for the development of the remainder of the tract.

d. Drafts of any covenants and restrictions to be included in deeds or contracts for sale.

e. If common property is to be deeded to a property owners' association, the subdivider shall submit a draft of the covenants and restrictions which will govern the association. These covenants and restrictions shall, at a minimum, provide that:

1) The property owners' association will be formed before any property is sold.

2) Membership is mandatory for each property buyer and any subsequent buyer.

3) The reservation of the common property is perpetual.

4) The association is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.

5) Property owners must pay their pro-rata share of the cost and that the assessment charged by the association can become a lien on the property.

6) The association may adjust assessments to meet changing needs.

f. Environmental Assessment: An environmental assessment shall accompany the preliminary plat, unless the subdivider has been exempted from the completion of the assessment pursuant to Section 8 of these regulations. Appendix "A" to these regulations provides the format of and questions to be addressed by the assessment.

8. Exemption From Environmental Assessment

The requirement for preparing an environmental assessment may be waived when a subdivision is proposed:

a. In areas covered by a master plan adopted pursuant to Title 76, Chapter 1, M.C.A., Title 76, Chapter 2, part 3 or 76-2-201 or Title 16, Chapter 47 and a long-range development program of public works' projects pursuant to 76-1-601.

b. In areas covered by a comprehensive plan to which the subdivision complies and the planning board waives the environmental assessment.

c. With 10 or fewer lots and less than 20 acres in size and the planning board has waived the environmental assessment.

d. As the second or subsequent minor subdivision for which the planning board has waived the environmental assessment.

When an exemption is granted by the planning board, the board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement shall accompany the preliminary plat of the subdivision when it is submitted for review. No environmental assessment may be required for the first minor subdivision from a tract.

9. Public Hearing

After receiving a preliminary plat application the planning board shall hold a public hearing on the preliminary plat. Notice of the time and date of the hearing shall be given by publication in a newspaper of general circulation in the county not less than fifteen (15) days prior to the date of the hearing. The subdivider and each property owner of record immediately adjoining the land included in the plat shall also be notified of the hearing by registered mail not less than fifteen (15) days prior to the date of the hearing. The planning board may require the posting of the notice of the hearing at conspicuous places on the boundaries of the proposed subdivision. The planning board shall consider all relevant evidence relating to the public health, safety and welfare, including the environmental assessment and any officially adopted comprehensive plan for the involved area to determine whether the plat should be approved, conditionally approved, or disapproved by the governing body. The planning board shall review the preliminary plat to determine whether it conforms to the provisions of the Montana Subdivision and Platting Act, to these regulations, and to any zoning regulation or other regula-

tions in effect in the County (City). When a hearing is held by the planning board, the planning board shall act in an advisory capacity and recommend to the governing body the approval, conditional approval, or disapproval of the plat. This recommendation must be submitted to the governing body in writing not later than ten (10) days after the public hearing. A copy of this recommendation shall also be mailed to the subdivider.

10. Preliminary Plat Approval

The governing body shall approve, conditionally approve, or disapprove the preliminary plat within sixty (60) days of its presentation to the planning board, unless the subdivider consents to an extension of the review period. If the governing body disapproves or conditionally approves the preliminary plat, it shall forward one (1) copy of the plat to the subdivider accompanied by a letter over the appropriate signature stating the reason for disapproval or enumerating the conditions which must be met to assure approval of the final plat.

The basis for the governing body's decision to approve, conditionally approve, or disapprove a subdivision shall be whether the preliminary plat, environmental assessment, public hearing, planning board recommendations and additional information demonstrate that development of the subdivision would be in the public interest. The governing body shall disapprove any subdivision which it finds not to be in the public interest. To determine whether the proposed subdivision would be in the public interest the governing body shall issue written findings of fact which weigh the following criteria for public interest:

a. The basis of the need for the subdivision;
b. Expressed public opinion;
c. Effects on agriculture;
d. Effects on local services;
e. Effects on taxation;
f. Effects on the natural environment;
g. Effects on wildlife and wildlife habitat, and
h. Effects on the public health and safety.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

11. Preliminary Plat Approval Period

Upon approving or conditionally approving a preliminary plat the governing body shall provide the subdivider with one copy of a dated and signed statement of approval. The approval shall guarantee that the terms of the approval will not be

affected by changes in the subdivision regulations and that the governing body may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within one year.

The approval shall be effective for not more than one calendar year; at the end of this period the governing body may, at the request of the subdivider, extend its approval for not more than one calendar year. Approval of the preliminary plat shall not constitute approval of the final plat.

12. Final Plat Contents

The final plat submitted for approval shall conform to the preliminary plat as previously reviewed and approved by the governing body and shall incorporate all modifications required in its review.

The final plat shall comply with the Montana Uniform Standards for Final Subdivision Plats (ARM 22-2.4B(30)-S4100).

13. Final Plat Approval Application

An application for final plat approval, (see form #5, Appendix C), together with one cloth-backed copy and one reproducible copy of the final plat shall be submitted to the staff planner (a member of the planning board designated as subdivision administrator or plat review committee) for review and approval.

14. Final Plat Submission

The final plat with the application and supplements shall be submitted to the staff planner (or administrator) at least twenty days before a regularly schedule meeting of the governing body.

The final plat will be reviewed, provided that all requirements for the form and content and its supplements are met, to assure that it conforms to the approved preliminary plat. Any significant change will require the holding of a planning board meeting for review.

The final plat must be submitted before the expiration of the preliminary plat approval period. The final plat may constitute only that portion of the approved preliminary plat the subdivider wishes to file, provided that such portion conforms to all requirements of their regulations and is approved by the governing body in writing.

15. Final Plat Review

The governing body may require that the final subdivision

plats be reviewed for errors and omissions in calculation or drafting by an examining land surveyor before recording with the clerk and recorder. When the survey data shown on the plat meet the conditions set forth by these regulations and the Montana Subdivision and Platting Act, the examining land surveyor shall so certify on the plat.

No land surveyor shall act as an examining land surveyor in regard to a plat in which he has a financial or personal interest.

The governing body may provide for the review of the abstract or certificate of title of the land in question by the county attorney where the land lies in an unincorporated area or by the city or town attorney when the land lies within the limits of a city or town.

16. Guarantee of Public Improvements

As a condition of approval of the final plat, the subdivider shall have installed all required improvements or shall enter into a subdivision improvements agreement guaranteeing the construction and installation of all such improvements. Alternative methods of guaranteeing public improvements and the procedures and requirements for securing the guarantees are provided in Appendix B of these regulations.

17. Final Plat Approval

The planner (or administrator) shall examine the final subdivision plat and shall recommend approval only when it conforms to the conditions of approval set forth on the preliminary plat and to the terms of the Montana Subdivision and Platting Act and these regulations. The recommendation must be submitted to the governing body not later than ten days before the next meeting of the governing body and 15 days before the 35 day review period ends.

The governing body shall approve or disapprove the final plat within 35 days of its presentation to the planner (or administrator).

The governing body shall approve a final plat if it conforms to the approved preliminary plat and if the subdivider has completed all required changes and met or exceeded all standards and requirements of these regulations. Approval shall be certified by the governing body on the face of the final plat.

If the final plat is disapproved, the reasons for disapproval shall be stated in the records of the governing body and a copy forwarded to the applicant. The governing body

shall return the cloth-backed and the reproducible copy of the final plat to the subdivider within ten (10) days of the action. The applicant may then make the necessary corrections and resubmit the final plat for approval.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

The acceptance of land dedications shall be made by specific resolution of the governing body and noted on the final plat.

18. Final Plat Filing

Within five (5) days of the approval of the final plat or minor subdivision plat, the governing body shall file the cloth-backed copy and the reproducible copy of the approved final plat with the county clerk and recorder. After filing, the plats may not be altered in any manner. The county clerk and recorder shall refuse to accept any plat for record that fails to have approval in proper form and shall file approved plats only if they are accompanied by the following items:

a. Certification of park or playground dedication or of cash donation in lieu of dedication, where applicable.

b. Certification by a licensed title abstractor showing the names of the owners of record of land to be subdivided and the names of any lien holders or claimants of record against the land and the written consent to the subdivision by the owners of the land, if other than the subdivider, and any lien holders or claimants of record against the land.

c. Copies of any covenants or deed restrictions and any contract terms relating to public improvements.

d. Certification by the State Department of Health and Environmental Sciences that it has approved the plat and specifications for sanitary facilities, if applicable.

e. Copies of articles of incorporation and by-laws of any property owners' association.

f. Certification by the subdivider indicating which required public improvements have been installed and a copy of a subdivision improvements agreement securing the future construction of any additional public improvements to be installed.

g. Copies of final plans, profiles, grades and specifications for improvements, including a complete grading and drainage plan, with the certification of a registered professional engineer that all required improvements which have been installed are in conformance with the attached plans.

h. Certification of acceptance of dedicated lands and improvements, where applicable.

i. Certification by examining land surveyor, where applicable.

j. Copy of the state or county highway permit when a new street or road will intersect with a state highway or county road.

k. Certification that the local governing body will not be required to improve or maintain any proposed private road within or providing access to the subdivision.

19. Correcting or Amending Filed Final Plats

a. Corrections of drafting or surveying errors that in the governing body's opinion will not materially alter the plat may be made by the submission of a corrected final plat for the governing body's approval. The plat shall be entitled "corrected plat of the (name of subdivision) subdivision" and the reason for the correction shall be stated on the face of the plat.

b. Within a platted subdivision, any division of lots which results in an increase in the number of lots, or which redesigns or rearranges six or more lots, must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder.

Amended subdivision plats are subject to the appropriate procedural requirements contained in sections 1 through 18 of Part II, Procedures, A. Plat Review and Approval, except as specified below:

The relocation of common boundaries and the aggregation of lots within platted subdivisions where five or fewer of the original lots are affected within a platted subdivision filed with the county clerk and recorder are exempt from approval as subdivision. An Amended Plat must be prepared following the requirements of the Montana Uniform Standards for Final Subdivision Plats (ARM 22-2.4B(30)S4100) except that in place of the governing body's approval

the landowner certifies that the approval of the governing body is not required pursuant to 76-3-207(1).

The final Amended Plat submitted for approval shall comply with the Montana Uniform Standards for Final Subdivision Plats ARM 22-2.4B(30)-S4100), with the exception that the title shall include the word "Amended." ("Amended plat of the (name) subdivision" or " (name) subdivision, amended.")

20. Summary Review Procedures for Minor Subdivisions

a. Minor Subdivision Preliminary Plat Submission

An application for approval of the minor preliminary plat together with the review fee and copies of the minor preliminary plat and any supplements, shall be submitted to the planning board or its designated agent.

The 35 day review and approval period shall commence when the review fees have been paid and the planning board or its designated agent accepts the application, plat and supplements as conforming to all requirements for the form and content of the preliminary plat.

b. Minor Preliminary Plat Form and Content

1) Minor preliminary plats are subject to the appropriate requirements contained in Sections 1 through 7 of part II, Procedures, A. Plat Review and Approval.

2) Minor subdivisions are subject to the following provisions for an environmental assessment:

For the first minor subdivision created from a tract of record the requirement for an environmental assessment shall not apply.

For the second or subsequent minor subdivisions from a tract of record the planning board or its designated agent may require preparation of all or part of the environmental assessment and shall provide the subdivider with a written statement of the reasons for requiring the information.

When required the assessment shall follow the format in Appendix "A" or the DHES/Local Govern-

ment Joint Subdivision Application Form.

c. Public Hearing

For the first minor subdivision created from a tract of record the requirement for holding a public hearing shall not apply.

For the second or subsequent minor subdivision from a tract of record the planning board or its designated agent may require a public hearing and shall provide the subdivider with a written statement of the reasons for requiring the public hearing. When a public hearing is held, the requirements in section 9 Public Hearing shall be followed.

d. Minor Preliminary Plat Approval

The planning board shall consider all relevant evidence relating to the public health, safety and welfare and any officially adopted comprehensive plan for the involved area to determine whether the plat should be approved, conditionally approved or disapproved by the governing body. The planning board shall review the minor preliminary plat to determine whether it conforms to the provisions of the Montana Subdivision and Platting Act, to these regulations, and to any zoning regulations or other regulations in effect in the area of the minor subdivision. The planning board shall act in an advisory capacity and recommend to the governing body the approval, conditional approval or disapproval of the minor preliminary plat. This recommendation must be submitted to the governing body in writing not later than five days before the next meeting of the governing body and ten days before the 35 day review period ends.

The governing body shall approve, conditionally approve, or disapprove the minor preliminary plat within 35 days of its presentation to the planning board. If the governing body disapproves or conditionally approves the preliminary plat, it shall forward one copy of the plat to the subdivider accompanied by a letter over the appropriate signature stating the reason for disapproval or enumerating the conditions which must be met to assure approval of the final plat.

The basis for the governing body's decision to approve, conditionally approve, or disapprove a minor subdivision shall be whether the minor preliminary plat, planning

board recommendations and additional information demonstrate that development of the minor subdivision would be in the public interest. The governing body shall disapprove any minor subdivision which it finds not to be in the public interest. To determine whether the proposed subdivision would be in the public interest the governing body shall issue written findings of fact which weigh the following criteria for public interest:

a. The basis for the need for the subdivision;
b. Expressed public opinion;
c. Effects on agriculture;
d. Effects on local services;
e. Effects on taxation;
f. Effects on the natural environment;
g. Effects on wildlife and wildlife habitat, and
h. Effects on the public health and safety.

The governing body may withdraw approval of a plat if it determines that information provided by the subdivider, and upon which such decision was based, is inaccurate.

e. Minor Preliminary Plat Approval Period

Upon approving or conditionally approving a minor preliminary plat, the governing body shall provide the subdivider with one copy of a dated and signed statement of approval. The approval shall guarantee that the terms of the approval will not be affected by changes in the subdivision regulations and that the governing body may not impose any additional conditions as a prerequisite to final plat approval providing said approval is obtained within one year.

The approval shall be effective for not more than one calendar year; at the end of this period the governing body may, at the request of the subdivider, extend its approval for not more than one calendar year. Approval of a minor preliminary plat shall not constitute approval of the final plat.

f. Final Plat

The final plat shall follow the appropriate procedural requirements contained in sections 12 through 18 of Part II, Procedures, A, Plat Review and Approval.

21. Procedures for Subdivisions Created by Lease or Rent

a. Subdivisions created by rent or lease, such as mobile home and recreational vehicle parks, are exempt from

the surveying and filing requirements of the Montana Subdivision and Platting Act but must be submitted for review and approved by the governing body before portions thereof may be rented or leased.

b. Subdivisions created by rent or lease shall comply with the appropriate procedures contained in sections 1 through 10 of Part II. PROCEDURES, A. Plat Review and Approval.

c. Before any portion of a rental or lease subdivision may be rented or leased the subdivider shall have installed all required improvements. Preliminary plans, profiles, tentative grades and specifications for proposed improvements shall be submitted to the governing body for its approval prior to the construction of improvements. The governing body may provide for inspection of all required improvements in order to assure conformance with the approved construction plans and specifications.

d. Where a rental or leased subdivision qualifies as a minor subdivision, it may receive summary review as provided for in Section 20 of these regulations, Summary Review Procedures for Minor Subdivisions.

e. In lieu of filing a final plat, the subdivider shall submit a plat conforming to the requirements for a preliminary plat contained in Part II PROCEDURES, A., Plat Review and Approval, Section 5, Preliminary Plat Form; Section 6, Preliminary Plat Contents; and Section 7, Preliminary Plat Supplements of these regulations to the staff planner (a member of the planning board designated as subdivision administrator or plat review committee). The plat will be reviewed to assure that it conforms to the approved preliminary plat. The approved plan shall be maintained in the office of _____.

22. Procedures for Condominium Subdivisions

All condominium developments are subdivisions subject to the terms of the Montana Subdivision and Platting Act as follows:

a. The construction of condominium buildings or installation of related public improvements is not subject to subdivision review and approval procedures where the condominiums or improvements are to be constructed in an approved and filed subdivision, the approval of which was based on the anticipated

construction of the condominiums and related public improvements. The public improvements in such a condominium development are, however, subject to inspection by the governing body to insure conformance with the approved subdivision plans and specifications.

b. Where no division of land is created by a condominium subdivision, surveying requirements shall not apply.

c. Where no division of land is created by a condominium subdivision, the subdivision shall be reviewed under the procedures contained in Section 21, Procedures for Subdivisions Created by Lease or Rent with the following exception: in lieu of the completion of all required improvements before final approval is given, the subdivider may enter into a subdivision improvements agreement pursuant to Section 16, Guarantee of Public Improvments.

d. Where divisions of land take place in a condominium subdivision, the subdivision shall be reviewed under the procedures contained in Part II; PROCEDURES, A. Plat Review and Approval Section 1 through 18.

e. Where no division of land is created by a condominium subdivision and an adopted zoning ordinance permits multiple family use of the density proposed in the plan for the condominium, the condominium subdivision is exempt from public review and approval pursuant to the Montana Subdivision and Platting Act.

23. Procedures for Planned Unit Developments

Planned unit developments are subdivisions and are subject to the procedures contained in Part II; PROCEDURES, A. Plat Review and Approval, Sections 1 through 18, and to those special procedures contained in Part III. DESIGN AND IMPROVEMENT STANDARDS; C. Planned Unit Developments (P.U.D.'s).

B. Administrative Provisions

1. Schedule of Fees

A schedule of fees, charges and expenses to be paid by subdividers to defray the expense of subdivision review and any inspections necessary for plat approval is contained in Appendix D of these regulations. The schedule of fees shall be posted in the county clerk and recorder's (or city clerk's) office. No action shall be taken on applications or appeals until all applicable fees have been paid in full. Applications for subdivision approval shall not be accepted unless accompanied by all applicable fees.

2. Variances

a. General.
Where the governing body finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purpose of these regulations may be served to a greater extent by an alternative proposal, it may approve variances from these regulations so that substantial justice may be done and the public interest secure, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the governing body shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurous to other adjoining properites;
(2) The conditions on which the request for a variance is based are unique to the property on which the variance is sought and are not applicable generally to other property;
(3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular harship to the owner would result, as distinguished by a mere inconvenience, if the strict letter of these regulations are enforced; and
(4) The variances will not in any manner vary the provisions of the Zoning Regulations, or Comprehensive Plan.

b. Conditions.
In approving variances, the governing body may require such conditions as will, in its judgement, secure substantially the objectives of the standards or re-

quirements of these regulations;

c. Procedures.
A petition for any variance shall be submitted in writing by the subdivider at the time when the sketch plat or Preliminary Plat is presented to the governing body for their review and approval. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

3. Violation

Every final subdivision plat must be filed for record with the county clerk and recorder before title to the subdivided land can be sold or transferred in any manner or offered for sale or transfer. If illegal transfers or offers of any manner are made, the county attorney shall commence action to enjoin further sales, transfers, or offers of sale or transfer and compel compliance with all provisions of the Montana Subdivision and Platting Act and these regulations. The cost of such action shall be imposed against the person transferring or offering to transfer the property.

4. Penalty for Violation

Any person who shall violate any of the provisions of the Montana Subdivision and Platting Act or these regulations is guilty of a misdemeanor and punishable by a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or by imprisonment in jail for not more than three (3) months or by both fine and imprisonment. Each sale, lease or transfer, or offer of sale, lease, or transfer of each separate parcel of land in violation of any provision of the Montana Subdivision and Platting Act or these regulations shall be deemed a separate and distinct offense.

5. Appeals

A decision of the governing body approving or rejecting a proposed subdivision plat may be reviewed by the district court upon application for a writ of certiorari. The application shall specify the grounds upon which it alleges the illegality of the action of the governing body.

6. Vacating Recorded Plats

Any plat prepared and recorded as herein required may be vacated, in whole or in part, as provided by Sections 7-5-2501 through 7-5-2504, M.C.A. Easements shall remain to continue operation and maintenance of existing public utility facilities.

7. Amendment of Regulations

Prior to amending these subdivision regulations, the governing body shall submit the proposed amendments to the Community Development Division of the Montana Department of Community Affairs for review. Before the governing body amends these regulations it shall hold a public hearing and shall give public notice of its intent to amend these regulations and of the public hearing by publication of notice of the time and place of the hearing in a newspaper of general circulation in the county not less than fifteen (15) nor more than thirty (30) days prior to the date of the hearing.

The governing body may hold a public hearing for amendments to these subdivision regulations because of amendments to the Montana Subdivision and Platting Act and the Administrative Rules of Montana.

8. Permission to Enter

The governing body or its designated agent(s) or agency may conduct such investigations, examinations, and site evaluations as they deem necessary to verify information supplied as a requirement of these regulations. The owner, if other than the subdivider, shall grant the governing body or its designated agent(s) or agency permission to enter upon the subject property for the purposes of evaluating the land for subdivision; this grant of permission to enter shall be in writing and shall be signed by the owner, if other than the subdivider. If the owner and subdivider are one-in-the-same, the submission of pre-application materials or a preliminary plat for review shall constitute a grant of permission to enter the subject property.

III. DESIGN AND IMPROVEMENT STANDARDS

All subdivisions approved by the governing body shall comply with the provisions of this section, except where granted a variance pursuant to Section 2, Variances, page 29.

A. Land Subdivisions

1. General Standards

The design and development of subdivisions shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the extent possible.

2. Lands Unsuitable for Subdivision

Land which the governing body has found to be unsuitable for subdivision because of potential hazards such as flooding, snow avalanches, rock falls, land slides, steep slopes in excess of 25% grade, subsidence, high water table, polluted or non-potable water supply, high voltage lines, high pressure gas lines, air or vehicular traffic hazards or other features which may be detrimental to the health, safety, or general welfare of existing or future residents shall not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction plans.

3. Floodway Provisions

Land located in the floodway of a flood of one hundred year frequency as defined by Title 76, Chapter 5, M.C.A., or land deemed subject to flooding as determined by the governing body shall not be subdivided for building or residential purposes, or other uses that may increase or aggravate flood hazards to life, health, or welfare.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data as required by Montana Requirements for Flood Hazard Evaluations (ARM 22-2.4B(26)-S4070) as contained in Appendix E of these regulations. The floodway will be determined by the Water Resources Division, and that agency has stated in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

4. Improvement Design

Engineering plans, specifications, and reports required in

connection with public improvements and other elements of the subdivision required by the governing body shall be prepared by a registered engineer or a registered land surveyor as their respective licensing laws allow in accordance with the Montana Subdivision and Platting Act and these regulations.

5. Lots

Each lot shall contain a satisfactory building site which is properly related to topography and conforms to health department regulations, zoning regulations and these regulations. Where no zoning regulations are in effect, maximum density and minimum lot size shall be established in consultation with local and state health authorities and based upon interpretations of soil surveys. The design of lots shall meet the following standards:

a. No single lot shall be divided by a municipal or county boundary line.

b. No single lot shall be divided by a public street, road, alley, right-of-way or easement.

c. Each lot shall have access to a public or private street or road.

d. Corner lots shall have driveway access to the same street or road as interior lots.

e. Corner lots shall be of sufficient area to provide acceptable visibility for traffic safety.

f. No lot shall have an average depth greater than three (3) times its average width.

g. Side lot lines shall be at substantially right angles to street or road lines and radial to curved street or road lines.

h. Through lots are prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

6. Blocks

Blocks shall be designed to assure traffic safety and ease of traffic control and circulation. Blocks shall be wide enough to allow for two tiers of lots unless the topography or other factors dictate the use of one tier of through lots or unless the governing body approves the design of irregularly shaped blocks indented by cul-de-sacs. Blocks shall be not less than 400 feet in length and shall not exceed 1,200 feet

in length.

7. Streets and Roads

a. All roadway improvements including pavement, curbs, sidewalks, and drainage shall be constructed in accordance with the specifications and standards prescribed in these regulations.

b. The arrangement, type, extent, width, grade, and location of all streets shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety, and in their relation to the proposed uses of the land to be served by them.

c. General Street and Road Standards

1) Intersections. The following items apply to intersections:

a) streets shall intersect at right angles, except when topography precludes, and in no case shall the angle of intersection be less than sixty (60) degrees.
b) two streets meeting a third street from opposite sides shall meet at the same point, or their centerlines shall be offset at least one hundred twenty-five (125) feet.
c) intersection design shall provide acceptable visibility for traffic safety as dictated by the designed operating speeds on the individual roadways.
d) intersections of local streets with major arterials or highways shall be kept to a minimum.
e) hilltop intersections are prohibited, except where no alternatives exist. Intersections on local roads within 100 feet of a hilltop are prohibited. Intersections on arterial and collector roads within 200 feet of a hilltop are prohibited.

2) Curbs and gutters or swales shall be required as determined by the governing body according to the character of the area, density of development, and nature of adjoining properties. Curbs and gutters of adjoining properties shall be extended according to current specifications of local and state authorities. Curbs, gutters and swales shall be designed as part of an overall subdivision grading and drainage plan. (See Grading and Drainage, page 33.)

3) Sidewalks or walkways shall be provided when required by the governing body.

4) Culverts or bridges shall be provided and installed by the subdivider where drainage channels intersect any street right-of-way or easement. All culverts shall extend at least across the entire width of the base of the fill; the amount of backfill to be placed over the culvert and the culvert's capacity shall be determined by a qualified engineer. This shall include arrangements for driveway culverts.

5) Existing trees and other vegetation shall be preserved where possible. Plantings may be required for buffering, screening, or soil erosion protection and are subject to approval by the governing body.

6) Local streets shall be designed so as to discourage through traffic.

7) Dead-end streets are prohibited. Where future street extension is proposed, a temporary cul-de-sac shall be provided.

8) Whenever a subdivision abuts or contains an existing or proposed arterial highway or major thoroughfare, the governing body may require frontage roads, with a reservation prohibiting access along the rear property line, deep lots, or other treatment as may be necessary for adequate protection of residential properties and to separate arterial and local traffic.

9) Half streets are prohibited except where essential to the development of the subdivision and where the governing body is assured that it will be possible to require the dedication of the other half of the street when the adjoining property is subdivided. Wherever an existing half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

10) Names of new streets aligned with existing streets shall be the same as those of the existing streets. Street names for noncontinuing streets shall not be duplicated nor be confused with existing street names. Street name signs shall be provided and placed by the subdivider as specified by the governing body at all street intersections.

11) Horizontal alignment of streets shall ensure adequate sight distances. When street lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

12) Residential driveways shall not have direct access to arterials and major highways.

13) Street lights may be required by the governing body on all streets within the subdivision.

14) Non-dedicated roads shall be maintained by a property owners' association.

15) Roadway subgrades shall be free of sod, vegetative or organic matter, soft clay, or other objectional materials, properly rolled, shaped and compacted and subject to approval by the governing body.

16) Roadway surface shall be constructed on a suitable base, using materials approved by the local governing body.

d. Roads in Rural Subdivisions shall meet the design specifications in Table I.

e. Streets and roads in Urban-Suburban Subdivisions shall meet the design specifications in Table II.

8. Grading and Drainage

a. The subdivider shall provide a complete grading and drainage plan with accurate dimensions, courses and elevations, showing the proposed grades of streets and drainage improvements.

b. The subdivider shall provide suitable drainage facilities for any surface run-off affecting the subdivision; these facilities shall be located in street rights-of-way or in perpetual easements of appropriate widths and are subject to approval by the governing body.

c. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas.

d. Drainage systems shall not discharge into any sanitary sewer facility.

e. The grading and drainage system shall be designed and certified by a registered engineer.

TABLE I

DESIGN STANDARDS - RURAL* ROADS

	ARTERIAL		COLLECTOR		LOCAL	
	Max. Curve (Degrees)	Min. Radius (Feet)	Max. Curve (Degrees)	Min. Radius (Feet)	Max. Curve (Degrees)	Min. Radius (Feet)
1. Curvature[a]	(40mph)[e] 10.00	561	(30mph)[e] 19.0	300	(20mph)[e] 53.5	120
2. Min. Stopping Sight Distance (ft)	475		350		150	
3. Maximum Grade[b] (%)						
Flat & Rolling[f]	6		7		9	
Hilly[f]	8		9		11	
4. New Bridges						
Width (Curb-to-Curb) (ft)	28		28		20	
Design Load (AASHO)[d]	H-20		H-20		H-15	
Vertical Clearance (ft)	14.5		14.5		14.5	
5. Min. Pavement Width[c] (ft)	36		26		24	
6. Roadway Width (ft)	36		26		24	
7. Right-of-way width (ft)	80		60		60	

Cul-De-Sac: Turn Around Radius (Roadway Width) 40 feet (8 Feet additional where parking will be permitted
Maximum Length 600 feet
Right-of-way width for Cul-de-sacs serving no more than 10 dwellings may be 40 feet.

a. Curvature is based on a superelevation of .08/ft.
b. Grades may be steeper for short distances provided traffic safety is assured.
c. For guardrail installation, width of shoulder to be additional two feet.
d. American Association of State Highway Officials.
e. Design speed of road.
f. Flat and rolling terrain is that with a cross slope of less than 15%
Hilly terrain is that with a cross slope of 15% or greater.

* See definition, page .

TABLE II

DESIGN STANDARDS - URBAN & SUBURBAN* STREETS

		ARTERIAL		COLLECTOR		LOCAL	
		Max. Curve (Degrees)	Min. Radius (Feet)	Max. Curve (Degrees)	Min. Radius (Feet)	Max. Curve (Degrees)	Min. Radius (Feet)
1. Curvature[a]	(40mph)[d]	10.0	561	(30mph)[d] 19.0	300	(20mph)[d] 53.0	120
2. Min. Stopping Sight Distance (ft)		375		200		150	
3. Max. Grade[b] (%)							
Flat & Rolling[e]		7		8		9	
Hilly[e]		9		10		11	
4. New Bridges							
Width (curb-to-curb)		44		36		34	
Design Load (AASHO)[c]		H-20		H-20		H-15	
Vertical Clearance		14.5		14.5		14.5	
5. Min. Pavement Width (ft)		36f		36		26	
6. Min. Roadway Width (ft)		36f		36		26	
7. Right-of-way Width (ft)		80		60		60	

Cul-De-Sac: Turn Around Radius (Roadway Width) 40 feet (8 feet additional where parking will be permitted)
Maximum Length 600 feet

Right-of-Way width for Cul-de-sacs serving no more than 10 dwellings may be 40 feet and 20 feet roadway.

a. Curvature is based on a superelevation of .04/ft.
b. Grades may be steeper for short distance provided traffic safety is assured.
c. American Association of State Highway Officials.
d. Design speed of streets.
e. Flat and rolling terrain is that with a cross slope of less than 15%.
Hilly terrain is that with a cross slope of 15% or greater.
f. No parking permitted except emergency.

* See definition, page .

f. All drainage systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, as required by Title 76, Chapter 4, Part 1, and all regulations adopted pursuant thereto.

9. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. The water supply system shall be subject to approval by the governing body which may require that any proposed central system provide adequate and accessible water for fire protection in the subdivision.

10. Sewage Treatment

All sewage treatment systems shall meet the minimum standards of the Montana State Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. The means of sewage treatment shall be subject to approval by the governing body.

11. Solid Waste

The subdivider shall assure that provisions for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. The means for solid waste collection and disposal shall be subject to approval by the governing body.

12. Utilities

Utilities shall be placed underground wherever practical. Underground utilities, if placed in the street right-of-way, shall be located between the roadway and the right-of-way line to simplify location and repair of lines. Such underground facilities shall be installed after the street has been brought to grade and before it is surfaced, to eliminate so far as practicable the necessity for disturbing such surfacing for the connection of individual services. Overhead utility lines shall be located at the rear property line, where practical. Utility facilities shall be designed by utility firms in cooperation with the subdivider, subject, however, to all applicable laws and all rules and regulations of any appropriate regulatory authority having jurisdiction over such facilities.

13. Easements

Where required by the governing body, easements shall be provided for utilities, drainage and vehicular or pedestrian access. Easements shall be centered along rear and side lot lines where practical and shall not be less than twenty (20) feet in width.

In addition to showing the location of the utility easements on the plat with dashed lines, the following statement shall be on the final plat:

> The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric power, gas, television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of their lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and to hold forever.

14. Mail Delivery

Where mail delivery will not be provided to each individual lot, the subdivider shall provide an off-street area for mail delivery within the subdivision.

15. Park Land Requirement

a. A plat of a residential subdivision shall show that one-ninth (1/9) of the combined area of lots five (5) acres or less in size and one-twelfth (1/12) of the combined area of lots greater than five (5) acres in size, exclusive of all other dedications, is forever dedicated to the public for parks or playgrounds. No dedication may be required for the combined area of those lots in the subdivision which are larger than ten (10) acres exclusive of all other dedications. The governing body, in consultation with the planning board having jurisdiction, may determine suitable locations for such parks and playgrounds.

b. Where, because of size, topography, shape, location or other circumstances, the dedication of land for parks or playgrounds is undesirable, the governing body may, for good cause shown, make an order to be endorsed and certified on the plat accepting a cash donation in lieu of the dedication of land that would have been dedicated. For the purpose of this section, the fair market value is the value of the unsubdivided unimproved land. Such cash donation shall be paid into the park fund to be used for the purchase of additional lands or for the initial development of parks and playgrounds.

1) Where cash has been accepted in lieu of land dedication, the amount of cash donation shall be stated on the final plat.

2) Where cash has been accepted in lieu of land dedication, the governing body shall record in the minutes of the hearing upon the proposed subdivision why the dedication of land for parks and playgrounds was undesirable.

3) The fair market value shall be determined as of the date of submission of the preliminary plat.

4) The fair market value should be established by a qualified real estate appraiser.

5) Park fund monies shall be expended according to a park policy or plan.

c. The park dedication and cash in lieu requirements of subsections (a) and (b) do not apply to any division that creates only one additional lot.

d. If a tract of land is being developed under single ownership as a part of an overall development plan, and part of the tract has been subdivided and sufficient park lands have been dedicated or cash donated in lieu to the public from the area that has been subdivided to meet the requirements of this section for the entire tract being developed, the governing body shall issue an order waiving the land dedication and cash donation requirements for the subsequently platted area.

e. The local governing body may waive dedication and cash donation requirements where all of the parcels in a subdivision are five (5) acres or more in size and where the subdivider enters a covenant to run with the land and revocable only by mutual consent of the governing body and the property owner that the parcels in the subdivision will never be subdivided into parcels of less than five (5) acres and that all parcels in the subdivision will be used for single family dwellings.

f. The governing body may waive dedication and cash donation requirements when the subdivider agrees to create a property owners' association for the proposed subdivision and to deed to the association land to be held in perpetuity for use as parks or playgrounds. The area of land to be deeded to the association shall equal the amount that would otherwise have been dedicated to public use.

g. The governing body shall waive dedication and cash donnation requirements for a subdivision to be created by rent or lease where the subdivider agrees to develop

parks or playgrounds within the subdivision for the common use of the residents of the subdivision. The area of land to be reserved for this purpose shall equal the amount that would otherwise have been dedicated to the public.

B. Special Standards for Subdivision Proposed in Areas of High Fire Hazards

Areas of high fire hazards - land containing "fire chimneys," heads of draws, excessive slope, heavy fuels or other hazardous wildlife components, as determined by the Forest Service (Federal and/or State).

For subdivisions proposed in areas subject to high wildfire hazard the following standards shall supplement those specified in this section:

1. At lease two (2) entrance-exit roads shall be provided to assure several escape routes for residents and access routes by fire fighting vehicles.

2. All roads must have a minimum roadway width of 34 feet.

3. Road right-of-way shall be at least 60 feet and shall be cleared of slash.

4. Bridges and culverts shall be at least 34 feet wide and have a load-bearing capacity of 26,000 pounds.

5. Road names shall be clear and unconfusing and signs shall be located to allow ready identification of roads.

6. Houses and/or lots shall be clearly numbered or otherwise identified.

7. Building sites shall be prohibited on slopes greater than 30% and at the apex of "fire chimneys" (topographic features, usually drainageways or swales, which tend to funnel or otherwise concentrate fire toward the top of steep slopes).

8. Densities in areas of steep slopes or forest growth shall be reduced through minimum lot standards as follows:

% Slope	Minimum Lot Size (Acres)	
	Open Grass	Forest and Brush
0-10	1	2
10-20	2	3
20-30	3	4
over 30	5	not permitted

9. Open space, park land and recreation areas (including green belts, riding or hiking trails) should be located, where appropriate, to separate residences and other buildings from dense forested areas.

10. A water supply of sufficient volume for effectiveness in controlling fire:

a. A minimum of 500 gallons per minute for 1 acre or larger lots.

b. A minimum of 750 gallons per minute for higher densities.

c. Where no central water system exists, cistern's of minimum capacity of 500 gallons per dwelling unit shall be provided at appropriate locations.

C. Planned Unit Developments (P.U.D.'s)

1. The intent of this section is to provide flexibility in certain subdivision standards, allowing the subdivider creativity in subdivision design using a concept which clusters development to promote economies in providing services while preserving and enhancing open space and unique natural features. The P.U.D. concept promotes the planning of an individual tract of land to allow for an individual use such as residential or for a harmonious combination of uses, such as a mixture of residential and commercial.

2. Planned unit developments shall comply with the appropriate standards contained in the following section of Part III, Design and Improvment Standards, A. Land Subdivision:

1. General Standards
2. Lands Unsuitable for Subdivision
3. Floodway Provisions
4. Improvement Design
8. Grading and Drainage
9. Water Supply
10. Sewage Disposal Facilities
11. Solid Waste
12. Utilities
13. Easements

3. The design and improvement standards contained in Part III, Section 5, Lots; Section 6, Blocks; Section 7, Streets and Roads and Section 14, Park and Open Space Requirements may be modified by the governing body upon request of the subdivider where the plan for a P.U.D. includes provisions for efficient traffic circulation, adequate light, air and open space and where such standards are not practical or reasonable in respect to the overall P.U.D. subdivision design.

4. In those areas where no zoning exists, the planning board shall determine in consultation with the subdivider the overall dwelling unit density.

5. The arrangement, type, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets to topographical conditions and to public convenience and safety.

6. Each planned unit residential development shall provide at least one-ninth (1/9) of the platted area, exclusive of all other dedications, for common open space. The open space shall be:

a. Held in common ownership by a property owners' association; or

b. Dedicated to public use, if acceptable to the governing body; or

c. A combination of "a" or "b" above.

7. The development shall be in compliance with P.U.D. provisions in local zoning regulations. Where such provisions do not exist, the proposed subdivision must be designated as a planned unit development by the governing body. To obtain designation of a subdivision as a P.U.D., the subdivider, before filing a preliminary plat, must submit to the governing body the following information:

a. A sketch plan of the proposed subdivision, containing all information requested in Section II-A-2, Pre-Application Procedures, of these regulations.

b. A description of open space, recreational facilities, roads and other facilities proposed to be under common ownership.

c. A description of proposed restrictive covenants, if any.

d. Proposed forms of ownership of property within the development.

e. A statement describing measures to be taken to assure permanence and maintenance of open space and other facilities to be held in common ownership.

f. If the development plan calls for a development time of 18 months or more for street and utility improvements, a schedule showing the time when the improvements will be completed must be provided.

g. Any additional reasonable information that the governing body may require.

8. The governing body shall review the proposed plan and, before designating the subdivision a P.U.D., shall determine that the development plan promotes the clustering of individual building sites, conforms to the definition and intent of this section, and does one or more of the following:

a. Preserves to the maximum extent possible, the natural characteristics of the land including topography, vegetation, streams and other bodies of water.

b. Provides economies in the provision of roads and other public improvements.

c. Preserves productive agricultural land.

d. Protects important historic sites or structures or areas of important wildlife habitat.

e. Provides developed facilities for recreational purposes.

D. Mobile Home Parks

1. Mobile home parks shall meet the minimum requirements of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, as required by Sections 69-5601 through 69-5607, R.C.M. 1947, and all regulations adopted pursuant thereto.

2. Mobile home parks shall comply with the provisions of the following sections of Part III, Design and Improvements Standards, A. Land Subdivisions.

1. General Standards
2. Lands Unsuitable for Subdivision
3. Floodway Provisions
7. Streets and Roads
8. Grading and Drainage
12. Utilities

3. Mobile home parks may utilize the provisions of Part III, B. Planned Unit Developments, to allow the developer creativity in mobile home park design.

4. Streets

a. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot.

b. Streets shall be designed to permit safe placement and removal of mobile home units.

c. The subdivider shall not be required to reserve right-of-way in excess of the roadway width.

d. Roadways in a mobile home park shall not be dedicated to public use.

e. Streets and roads in mobile home parks shall comply with the appropriate design standards for urban and suburban roads listed in Table II (A. Land Subdivisions, 7. Streets and Roads), except in regard to roadway widths. Streets should be of adequate widths to accommodate the contemplated parking and traffic load. As a minimum, however, moving lanes must be ten (10) feet wide, and parallel parking lanes must be eight (8) feet wide.

f. Entrance Streets: Entrances to mobile home developments shall have direct connections to a public street and shall be designed to allow free movement of traffic on such adjacent public streets. No parking shall be permitted on the entrance street for a distance of 100 feet from its point of beginning.

g. In all cases streets shall meet the following minimum width requirements:

1) All entrance streets and other collector streets without parking allowances. . . . .24 feet

2) Collector streets with parking allowances on both sides . . . . . .40 feet

3) Collector streets with parking allowances on one side . . . . . .32 feet

4) Local streets with parking allowances on both sides. . . . . .36 feet

5) Local streets with parking allowance on one side. . . . . .28 feet

6) Local or cul-de-sac streets without parking allowance . . . . . .24 feet

h. If mail delivery will not be to each individual lot the mobile home park shall provide an off-street area for mail delivery within the park in cooperation with the United States Post Office.

5. The Mobile Home Lot

a. Mobile home lots shall be arranged to permit the practical placement and removal of mobile homes.

b. All mobile homes shall be located at least twenty-five (25) feet from any property boundary line abutting upon a public street or highway right-of-way and at least fifteen (15) feet from other boundary lines of the park.

c. The mobile home stand must be located at least ten (10) feet from the street that serves it.

d. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Location of lot limits on the ground shall be approximately the same as shown on the acceptable plans. The degree of accuracy obtainable with an engineer's scale and a tape is acceptable. Precise engineering of lot limits is not required either on the plans or on the ground.

e. The size of the mobile home stand shall be suitable for the general market to be served and shall fit the dimensions of mobile homes anticipated.

f. The governing body may require that the mobile home stand be improved to provide adequate support for the placement and tie-down of the mobile home.

g. A mobile home stand may not occupy more than one-third of the area of its lot. The total area occupied by a mobile home and its roofed accessory buildings and structures may not exceed two-thirds of the area of a lot.

h. No mobile home nor its attached structures, such as awnings or carports, may be located within 20 feet of any other mobile home or its attached structures.

i. No detached structure, such as a storage shed, may be located within five feet of any mobile home or its attached structures.

j. A minimum of two (2) off-street parking spaces shall be provided for each mobile home lot. Parking may be in tandem. The driveway shall be located to allow for convenient access to the mobile home. The minimum width shall be ten (10) feet.

6. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. Water supply

systems shall be subject to approval by the governing body which may require that any proposed central system provide adequate and accessible water for fire protection in the mobile home park.

a. All water piping, fixtures and other equipment shall be constructed and maintained in accordance with state and local regulations and codes and shall be of a type and in locations approved by the authority having jurisdiction.

7. Sewage Disposal

All sewage disposal systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences adopted pursuant to Title 76, Chapter 4, Part 1. Sewage disposal systems shall be subject to approval by the governing body.

8. Solid Waste

The mobile home park developer shall assure that facilities for collection and disposal of solid waste are available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences adopted pursuant to Title 76, Chapter 4, Part 1. The means for solid waste collection and disposal shall be subject to approval by the governing body.

9. Electrical Systems

Electrical system installation within a mobile home park shall be designed and constructed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installations shall be designed and constructed in accordance with the applicable provisions of the "National Electrical Code" (NFPA No. 70-1978.)

10. Gas Systems

Gas equipment and installations within a mobile home park shall be designed and constructed in accordance with the applicable codes adopted by the authority having jurisdiction. Where the state or other political subdivision does not assume jurisdiction, such installation shall be designed and constructed in accordance with the appropriate provisions of the "National Fuel Gas Code" (NFPA No. 54-1974) and the "Standard for the Storage and Handling of Liquified Petroleum Gases" (NFPA No. 58-1974; ANSI Z106.1-1974.)

a. A readily accessible and identified shutoff valve controlling the flow of gas to the entire gas piping system shall be installed near to the point of connection of the liquified petroleum gas container.

b. Each mobile home lot shall have an accessible, listed gas shutoff valve installed. Such valve shall not be located under a mobile home. Whenever the mobile home lot outlet is not in use, the shutoff valve shall be plugged to prevent accidental discharge.

11. Fire Protection

Every mobile home park shall be equipped at all times with fire control equipment in good working order of such type, size and number and so located within the park as prescribed by local fire authority, or to satisfy reasonable fire regulations.

12. General Requirements

a. Each mobile home shall be skirted within 60 days after said mobile home is moved upon a lot within the mobile home park. Said skirtings shall be of a fire-resistant material similar to that of which the mobile home exterior is constructed and attached to the mobile home.

b. Retail uses intended specifically for the convenience and service of the residents of the mobile home park shall be designed and located in such a manner to discourage use by nonresidents of the mobile home park.

c. One (1) guest parking space for each ten (10) mobile home lots shall be provided. Group parking may be provided.

d. The governing body may require that storage facilities be provided on the lot, or in compounds located within a reasonable distance.

e. The governing body may require that a central area be provided for storage or parking of boats, trailers or other recreation vehicles.

13. Park Land Requirement

The governing body shall waive dedication and cash donation requirements for a subdivision to be created by rent or lease where the subdivider agrees to develop parks or playgrounds within the subdivision for the common use of the residents of the subdivision. At least one-ninth of the area of the

mobile home park shall be developed for park or playground area. That area shall be located so as to conveniently serve the residents of the entire mobile home park. Recreation areas may include space for community recreation buildings and facilities.

E. Recreational Vehicle Parks

1. Recreational vehicle parks shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1.

2. Recreational vehicle parks shall comply with the provisions of the following sections of Part III, Design and Improvements Standards, A. Land Subdivisions:

1. General Standards
2. Lands Unsuitable for Subdivision
12. Utilities

3. Floodway Provisions

Land located in the floodway of a flood of one hundred year frequency as defined by Title 76, Chapter 5, or land deemed subject to flooding as determined by the governing body shall not be developed for building purposes, or other uses that may increase or aggravate flood hazards to life, health, or property. Only land uses not involving permanent buildings, such as park or playground areas or camping sites, may be located in areas subject to flooding. Development shall be carried out in accordance with the Montana Floodway Management Act (Title 76, Chapter 5) and all regulations adopted pursuant thereto.

If any portion of a proposed subdivision is within 2,000 horizontal feet and 20 vertical feet of a live stream draining an area of 25 square miles or more, and no official floodway delineation or floodway studies of the stream have been made, the subdivider shall furnish survey data as required by the Montana Requirements for Flood Hazard Evaluations (ARM 22-2. 4B(26)-S4070) contained in Appendix C of these regulations. The floodway will be determined by the Water Resources Division, Department of Natural Resources and Conservation. This requirement for survey data shall be waived by the planning board where the subdivider has contacted the Water Resources Division and that agency has stated in writing that available data indicates that the proposed subdivision is not in a flood hazard area.

4. Streets and Recreational Vehicle Spaces

The arrangement, type, extent, width, grade, and location

of all streets shall be considered in their relation to existing and planned streets, topographical conditions, and public convenience and safety, and in their relation to the proposed uses of the land to be served by such streets.

All recreational vehicle spaces shall be provided with safe and convenient access from abutting streets or roads. Alignment and gradients of roads shall be adapted to topography. Surfaces of roads shall be smooth, hard, dense, and well drained.

Exposed ground surfaces in all parts of every recreational vehicle space shall be paved, covered with stone or other solid material, or protected with a vegetative cover.

a. Intersections

1) Intersections of recreational vehicle park streets with local streets or major arterials or highways shall be kept to a minimum. Streets serving recreational vehicle parks shall connect with arterial streets so as to not generate traffic on local streets. Intersections of recreational vehicle park streets with arterials or collector streets shall be designed so as to cause the least possible interference with traffic movement.

2) No more than two (2) streets may intersect at one point.

3) Streets shall intersect at right angles, except when topography dictates otherwise, and in no case shall the angle of intersection be less than sixty (60) degrees.

4) Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be off-set at least one hundred twenty-five (125) feet.

5) Intersection design shall provide acceptable visibility for traffic safety as dictated by the designed operating speeds of the individual roadways.

b. Culverts or bridges shall be provided by the subdivider where drainage channels intersect any street right-of-way. Where culverts are required, they shall extend at least across the entire improved width of the street. The amount of backfill to be placed over the culvert and the culvert's capacity shall be determined by a qualified engineer.

c. Existing trees and other vegetation shall be preserved where possible. Plantings may be required for buffering, screening, or soil erosion protection, and are subject to approval by the governing body.

d. Streets and roads shall be arranged to discourage through traffic.

e. Horizontal alignment of streets shall ensure adequate sight distances. When street lines deflect more than five (5) degrees, connection shall be made by horizontal curves.

f. Roads in recreational vehicle parks shall comply with the appropriate design standards for rural roads listed in Table I (A. Land Subdivisions, 7. Streets and Roads) except in regard to roadway widths. Streets should be wide enough to accommodate the contemplated parking and traffic load. Moving lanes must be at least ten (10) feet and parallel parking lanes must be at least eight (8) feet wide.

5. Internal Design

a. Recreational vehicle spaces shall be arranged to facilitate placement and removal of vehicles from individual spaces.

b. Accessory facilities shall be designed and located for safe and convenient use by occupants of the park, but so as to inhibit their use by non-occupants.

c. Recreational vehicles shall be separated from each other and from other structures by at least ten (10) feet. Any accessory structures such as attached awnings shall, for purposes of this separation requirement, be considered part of the recreational vehicle.

d. The density shall not exceed 25 recreational vehicle spaces per acre of gross site area.

e. All recreational vehicle spaces shall be located at least twenty-five (25) feet from a public street or highway right-of-way.

f. The governing body may require that recreational vehicle parks located adjacent to industrial or commercial land uses provide screening such as fences or natural growth along the property boundary line separating the park from such uses.

g. At least one-twelfth (1/12) of the area of the recreational vehicle park shall be developed for a park or playground area. The area shall be located so as to conveniently serve all patrons of the recreational vehicle park. Recreation areas may include space for recreation buildings and facilities.

6. Grading and Drainage

a. The recreational vehicle park developer shall provide suitable drainage facilities for any surface run-off affecting the park. These facilities shall be located in street rights-of-way or open spaces and are subject to approval by the governing body.

b. Each culvert or other drainage facility shall be large enough to accommodate potential run-off from upstream drainage areas.

c. Drainage systems shall not discharge into any sanitary sewer facility.

d. All drainage systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapger 4, Part 1.

7. Water Supply

All water supply systems shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. Water supply systems shall be subjected to approval by the governing body. The governing body may require that any central water supply system which is installed be designed to provide an adequate accessible water supply for fire protection purposes.

8. Sewage Disposal

All sewage disposal systems shall meet the minimum standards of the Montana State Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. The means for sewage disposal shall be subject to approval by the governing body.

9. Solid Waste

The recreational vehicle park developer shall assure that provisions for collection and disposal of solid waste are

available and meet the regulations and minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1. The means for solid waste collection and disposal shall be subject to approval by the governing body.

F. Condominiums

1. Condominium developments shall comply with those standards contained in Part III, Design and Improvement Standards, which the governing body deems applicable.

2. Condominium developments shall meet the minimum standards of the Montana Department of Health and Environmental Sciences, Division of Environmental Sciences, adopted pursuant to Title 76, Chapter 4, Part 1.

3. Condominium developments shall comply with all provisions of the Unit Ownership Act, Title 70, Chapter 23, and all regulations adopted pursuant thereto by the Montana Department of Business Regulation.

APPENDIX A

ENVIRONMENTAL ASSESSMENT

General Instructions

1. Using available information the subdivider shall provide, as appropriate, responses to the questions included herein and any materials as required.

2. All responses to the environmental assessment shall follow the outline contained herein and shall be identified with the appropriate section heading, number and letter. If a particular question is not relevant to the proposed subdivision, state the reason it does not apply.

3. Identify the sources of information for each section of the assessment and describe all attempts made to secure information.

4. On-site inspections may be made regarding any particular question. Deliberate falsification or ommission of any part of the questionnaire shall constitute grounds for rejection of the plat.

5. The DHES/Local Government Joint Subdivision Application Form may be used to submit the information.

POSSIBLE INFORMATION SOURCES FOR ENVIRONMENTAL ASSESSMENT

Local Agencies

Chamber of Commerce
School District
City or County Health Department
County Road Supervisor
City Engineer or County Surveyor
County Extension Service
Conservation District
Fire District or Department
Appropriate Telephone, Power, or Gas Company
Planning Board Staff
Police Department
Hospital or Ambulance Service

State Agencies

Agency	Information	Location
Department of Fish and Game	fisheries, vegetation and wildlife	regional office
Department of Health and Environmental Sciences	water quality	Helena
Department of Highways	access to state highways, traffic data, maps, aerial photographs, county-city plat maps	Helena
Bureau of Mines and Geology	geology, topography, ground water, water quality	Butte
Department of Natural Resources and Conservation	soils, geology, surface and ground water, vegetation	Helena

Federal Agencies

Agency	Information	Location
Agriculture Stabilization and Conservation Service	aerial photographs	local offices
Bureau of Land Management	vegetation, maps, topography	Billings and district offices
Forest Service	soils, geology, topography surface and ground water, vegetation, wildlife, maps	Missoula and forest offices
Geological Survey	geology, surface and ground water, water quality, floodways, topographic maps	Helena
Soil Conservation Service	soils, geology, surface and ground water, vegetation, wildlife	Helena and local offices

ENVIRONMENTAL ASSESSMENT

I. ENVIRONMENT

A. Surface Water

1. Locate on a copy of the preliminary plat:

a. Any natural water systems such as streams, rivers, intermittent streams, lakes or marshes (also indicate the names and sizes of each).

b. Any artificial water systems such as canals, ditches, aqueducts, reservoirs and irrigation systems (also indicate the names, sizes and present uses of each).

c. Any areas subject to flood hazard, or if available, 100 year studies. (The Floodway Management Section, Engineering Bureau, Department of Natural Resources and Conservation may be contacted for assistance in determining flood hazard locations.)

B. Groundwater

Using available groundwater data, provide the depth to ground water at time of year when water table is nearest the surface.

C. Geology - Soils - Slopes

1. Provide a map of soils type or soils survey, and if available, interpretation of soil suitability for the proposed land uses.

2. Locate on a copy of the preliminary plat:

a. Any known hazards affecting the development which could result in property damage or personal injury due to:

1) Falls, slides or slumps -- soil, rock, mud, snow.

2) Seismic activity

Describe any proposed measures to prevent or reduce the danger of property damage or personal injury from any of these hazards.

b. Any rock outcropping.

D. Vegetation

1. On a copy of the preliminary plat or overlay:

   a. Indicate the location of the major vegetation types such marsh, grassland, shrub, forest.

   b. Describe measures to be taken to protect trees and vegetative cover (e.g., design and location of lots, roads, and open spaces).

E. Wildlife

1. What major species of fish and wildlife use the area to be affected by the proposed subdivision?

2. Locate any known important wildlife areas, such as big game winter range, waterfowl nesting areas, habitat for rare or endangered species, and wetlands.

3. Describe any proposed measures to protect wildlife habitat or to minimize degradation (e.g., keeping buildings and roads away from shorelines or setting aside marshland as undeveloped open space).

F. Historical Features

1. Describe and locate on a copy of the preliminary plat or overlay any known or possible historic, archaeological or cultural sites which may be affected by the proposed subdivision.

2. Describe any plans to protect such sites or properties.

II. COMMUNITY IMPACT

A. Water Supply

1. Where an individual water supply system is proposed for each parcel:

a. Indicate the distance to the nearest public water system.

b. If wells or springs are to be used provide evidence that ground water supply meets DHES standards for quantity, quality and dependability (eg. well logs, chemical analyses). Where acceptable tests cannot be conducted, a hydrogeological report, which substantiates adequate quantity and quality of the water supply shall be submitted.

c. If cisterns are to be used:

1) Explain why cisterns are proposed.

2) Identify the source of water supply and provide evidence that it is of sufficient quantity and quality to serve the development.

3) Explain what provisions will be made for sanitary hauling of water.

d. Attach two copies of the plat showing the proposed location of each spring, well or cistern and indicating the distance to existing or proposed sewage disposal systems.

2. Where a public or multiple family water system is proposed:

a. Estimate the number of gallons per day required by the development when fully developed (include required volume for domestic, fire protection and irrigation use if applicable).

b. Where an existing system is to be used:

1) Identify the system and the person, firm or agency responsible for its operation and maintenance.

2) Indicate the system's capacity to handle additional use and its distance from the development.

3) Provide evidence that permission to connect has been granted.

4) Provide the following attachments:

a) map showing location and sizes of any existing water supply lines and facilities which may directly serve parcels within the proposed development;
b) engineering planning and specifications for all proposed extensions and additional lines and facilities. (In applying for DHES review, plans must be in sufficient detail to indicate sizes of lines and facilities and the capacity of the system. Complete plans and specifications must be submitted for final approval by DHES.)

c. Where a new system is to be used:

1) Provide evidence that the water supply is adequate in quantity, quality and dependability.

2) Indicate who will install the system, who will bear the costs, when it will be completed and who will own the system.

3) Provide as attachments:

a) a plan for operation and maintenance of the system;
b) engineering plans and specifications for the system. (In applying for DHES review, plans must be in sufficient detail to indicate sizes of lines and facilities and the capacity of the system. Complete plans and specifications must be submitted for final approval by DHES.)

B. Sewage Treatment

1. Where individual sewage treatment systems are proposed for each parcel:

a. Indicate the distance to the nearest public sewage disposal system.

b. Provide as attachments:

1) Two copies of the plat which shows the proposed suitable location on each lot for a septic tank, a subsurface treatment system and a 100% replacement area for the subsurface treatment system. Show the location of neighboring wells and subsurface treatment systems and the distances to each.

2) The results of percolation tests performed on each lot in the area of the proposed drainfield in accordance with DHES Bulletin 332. Each test hole shall be keyed by a number on a map of the development with the information provided in the report.

3) A detailed soils description or map. If a soils description is not available or if high ground water or impervious layers are suspected, provide soils profile showing soil strata from test holes at least 7 feet in depth.

2. For a proposed public or multiple family sewage treatment system:

a. Estimate the average number of gallons of sewage generated per day by the development when fully developed.

b. Where an existing system is to be used:

1) Identify the system and the person, firm or agency responsible for its operation and maintenance.

2) Indicate the system's capacity to handle additional use and its distance from the development.

3) Provide evidence that permission to connect has been granted.

4) Provide two copies of the following attachments:

a) a map showing the location and sizes of any existing sewer lines and facilities which will directly serve parcels within the proposed development; and

b) engineering plans and specifications for all proposed extensions and additional lines and facilities. (In applying for DHES review plans must be in sufficient detail to indicate sizes of lines and facilities and the capacity of the system. Complete plans and specifications must be submitted for final approval by DHES.)

c. Where a new system is proposed:

1) Indicate who will install the system, who will bear the costs, when it will be completed and who will own.

2) Provide as an attachment:

a) two copies of engineering plans and specifications for the proposed system. (If applying for DHES review plans must be in sufficient detail to indicate sizes of lines and facilities and the capacity of the system. Complete plans and specifications must be submitted for final approval by DHES.)

b) a plan for operation and maintenance of the system.

C. Solid Waste

1. Describe the proposed method of collecting and disposing of solid waste from the development.

2. If use of an existing collection system or disposal facility is proposed, indicate the name and location of the facility.

3. If on-site disposal of solid waste is proposed:

a. Indicate location and size of proposed site and provide engineering drawings of the landfill.

b. Explain what measures are planned to prevent contamination of surface water or ground water supplies.

c. Indicate who will install the facility, who will bear the cost, when it will be operational, and who will own, operate and maintain the system.

d. Provide as an attachment a plan which includes:

1) An analysis of soils and hydrology indicating pollution potential.

2) Seasonal high ground water.

3) Method of operation and maintenance.

4. If the subdivision is outside of an approved solid waste district complete and submit the Solid Waste Approval Form.

D. Roads

1. Describe any required construction of new public or private access roads or substantial improvements to existing public or private access roads including:

a. Measures for disposing of storm run-off from streets and roads.

b. Type of road surface.

c. Facilities for stream or drainage crossing (e.g.: culverts, bridges).

2. Explain why access was not provided by means of a road within the subdivision, if access to any of the individual lots is directly from arterial streets or roads.

3. Indicate who will pay the cost of installing and maintaining dedicated and/or private roadway.

4. Estimate how much daily traffic the development, when fully developed, will generate on existing streets and arterials.

a. Discuss the capability of existing and proposed roads to safely accommodate this increased traffic.

b. Describe any increased maintenance problems and cost that will be caused by this increase in volume.

5. Is year-round access by conventional automobile over legal rights-of-way available to the subdivision and to all lots and common facilities within the subdivision?

6. Identify the owners of any private property over which access to the subdivision will be provided.

E. Utilities

1. Indicate the utility companies involved in providing electrical power, natural gas, or telephone service. To what extent will these utilities be placed underground?

2. Has the preliminary plat been submitted to affected utilities for revew?

F. Emergency Services

1. Describe the emergency services available to the residents of the proposed subdivision including number of personnel and number of vehicles or type of facilities for:

a. Fire protection--Is the proposed subdivision in an urban or rural fire district? If not, will one be formed or extended? In absence of a fire district, what fire protection procedures are planned?

b. Police protection.

c. Ambulance service.

d. Medical services.

2. Can the needs of the proposed subdivision for each of the above services be met by present personnel and facilities?

a. If not, what additional expense would be necessary to make these services adequate?

b. At whose expense would the necessary improvements be made?

G. Schools

1. Describe the available educational facilities which would serve this subdivision.

2. Estimate the number of school children that will be added by the proposed subdivision. Provide a statement from the administrator of the appropriate school system indicating whether the increased enrollment can be accommodated by the present personnel and facilities and by the existing school bus system.

H. Land Use

1. Describe land uses on lands adjacent to the subdivision.

2. Describe any comprehensive plan or other land use regulations covering the area proposed for subdivision or adjacent land. If located near an incorporated city or town, is annexation proposed?

3. Where public lands are adjacent to or near the proposed development, describe the present and anticipated uses of those lands, e.g., grazing, logging, recreation. Describe how the subdivision will affect access to any public lands.

4. Describe any health or safety hazards on or near the subdivision, such as: mining activity, high pressure gas lines, dilapidated structures, high voltage power lines or irrigation ditches. Any such conditions should be accurately described and their origin and location identified.

5. Describe any on-site or off-site uses creating a nuisance, such as unpleasant odor, unusual noises, dust, or smoke. Any such conditions should be accurately described and their origin and location identified.

I. Housing

1. Indicate the proposed use(s) and number of lots or spaces in each:

_____ Residential, single family
_____ Residential, multiple family
Types of multipe family structures and
numbers of each (eg: duplex, 4-plex)

_____ Planned Unit Development (No. of units)
_____ Condominium (No. of units)
_____ Mobile Home Park
_____ Recreation Vehicle Park
_____ Commercial or Industrial
_____ Other (Please describe

J. Parks and Recreation Facilities

1. Describe park and recreation facilities to be provided within the proposed subdivision and other recreational facilities which will serve the subdivision.

K. Accessibility of Service Systems and Facilities

Provide total distances over road types to each of the following:

	Unimproved	Graded	Graveled	Paved	Total	Town Where Located
Fire Protection						
Police Protection						
Hospital Facilities						
Ambulance Service						
U.S. Postal Service						
Elementary School						
High School						

APPENDIX B

Alternative Methods of Public Improvements Guarantee

A. Subdivision Improvements Agreement

As a condition for approval of the final plat, the subdivider shall have installed all of the required improvements as stipulated in Part III Design and Improvement Standards, or shall enter into a written subdivision improvements agreement guaranteeing the construction and installation of all required improvements in conformance with all policies, standards and resolutions adopted by the County (City) of _____. The agreement shall stipulate, among other things, which type of security arrangements the subdivider elects to use and the time schedule the subdivider proposes for accomplishing the required improvements and shall include the subdivider's warranty against defects in these improvements for a period of one year from the date of their written acceptance by the governing body.

B. Security Guarantee

The subdivider shall provide a financial security guarantee from the following listed methods in the amount of 100% of the estimated total cost, as approved by the governing body, of installing all required improvements.

1. Escrow Account

The subdivider shall deposit cash, or collateral readily convertible to cash at face value, either with the governing body or in escrow with a bank. The use of collateral other than cash, and the selection of the bank with which funds are to be deposited are subject to the approval of the governing body.

Where an escrow account is to be employed, the subdivider shall file with the governing body his agreement with the bank guaranteeing the following:

a. That the funds in the escrow account are to be held in trust until released by the governing body and may not be used or pledged by the subdivider as security for any obligation during that period.

b. And that in case the subdivider fails to complete the required improvements, the bank shall immediately make the funds in escrow available to the County (City) for the completion of these improvements.

2. Property Escrow

The subdivider may offer as a guarantee land or other property, including corporate stocks or bonds. A qualified real estate appraiser shall establish the value of any real property so used and in so doing, shall take into account the possibility of a decline in the value of said property during the guarantee period. The governing body reserves the right to reject the use as collateral of any property when the value of the property is unstable, when the property may be difficult to sell, or when other factors exist which will inhibit the governing body from exchanging the property for an amount of money sufficient to complete the required improvements.

When property is offered as an improvement guarantee, the subdivider shall:

a. Execute an agreement with the escrow agent when it is not the County (City) of _____, instructing the agent to release the property to the County (City) in the case of default. The agreement shall be placed on file with the County Clerk and Recorder.

b. File with the governing body an affidavit affirming that the property to be used as a guarantee is free and clear of any encumbrances or liens at the time it is to be put in escrow.

c. Execute and file with the governing body an agreement stating that the property to be placed in escrow as an improvement guarantee will not be used for any other purpose, or pledged as a security in any other matter until it is released by the governing body.

3. Sequential Development

Where a subdivision is to be developed in phased portions, the governing body may, at its descretion, waive the use of a guarantee on the initial portion, provided that such portion may not contain more than 25 lots, or 50 percent of the total number of lots proposed for the subdivision, whichever is less. The governing body may grant final plat approval to only one portion at a time, with the plat approval for each succeeding portion being contingent upon completion of all contracted improvements in each preceding portion, and acceptance of those improvements by the governing body. Completion of improvements in the final portion of the subdivision, which must include at least 25 lots, or 50 percent of the total number of lots in the subdivision, whichever is less, must be guaranteed through the use of one of the other methods detailed herein.

4. Special Improvement District

The governing body may enter into an agreement with the subdivider, and the owners of the property proposed for subdivision if other than the subdivider, that the installation of required improvements will be financed through a special or rural improvement district created pursuant to Title 7, Chapter 12, M.C.A. This agreement must provide that no lots within the subdivision will be sold, rented, or leased, and no contract for the sale of lots executed, before the improvement district has been created.

If the proposed subdivision lies in an unincorporated area, the subdivider, or the owners of all the property involved if other than the subdivider, must also petition the board of county commissioners to create a rural improvement district pursuant to Section 7-12-2102, M.C.A.

An agreement to finance improvements through the creation of a special improvement district, or a petition to create a rural improvement district, constitutes a waiver by the subdivider, or the owners of the property where other than the subdivider, of the right to protest, or petition against, the creation of the district under either Section 7-12-2109 or Section 7-12-4110, M.C.A.

5. Letter of Credit

Subject to the approval of the governing body, the subdivider shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be deposited with the governing body and shall certify the following:

a. That the creditor guarantees funds in an amount equal to the cost, as estimated by the subdivider and approved by the governing body, of completing all required improvements.

b. That if the subdivider fails to complete the specified improvements within the required period, the creditor will pay to the County (City) of _____ immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

c. That this letter of credit may not be withdrawn, or reduced in amount, until released by the governing body.

6. Surety Performance Bond

The bond shall be executed by a surety company authorized to do business in the State of Montana and acceptable as a surety to the governing body and countersigned by a Montana agent. The bond shall be payable to the County (City) of _____. The bond shall be in effect until the completed improvements are accepted by the governing body.

7. Any other method that may be acceptable to the governing body.

C. Time Limits

Prior to final plat approval, the subdivider and the governing body shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed two (2) years from the date of final plat approval. The governing body may extend that deadline for one (1) additional year if the subdivider presents substantial reason for the extension.

D. Inspection and Certification

1. Upon completion of required improvments, the subdivider shall file with the governing body a statement certifying that:

a. All required improvements are complete.

b. These improvements are in compliance with the minimum standards specified by the governing body for their construction.

c. The subdivider knows of no defects in those improvements.

d. These improvements are free and clear of any encumbrance or liens.

e. A schedule of actual construction costs has been filed with the governing body.

f. All applicable fees and surcharges have been paid.

2. The subdivider shall also file with the governing body copies of final plans, profiles, grades and specifications for improvements with the certification of the registered professional engineer responsible for their preparation that all required improvements have been installed in conformance with these specifications.

3. The governing body may provide for inspection of all re-

quired improvements by a registered professional engineer, before final plat approval when installation is a condition of approval or before releasing the subdivider from the subdivision improvements agreement.

Upon completion of the inspection, the inspecting engineer shall file with the governing body a statement either certifying that the improvements have been completed in the required manner or listing the defect in those improvements.

If the inspecting engineer has certified that the improvements are complete and free from defect, then upon receipt of the other statements and agreements detailed above, the governing body shall release the subdivider from the subdivision improvements agreement.

As improvements are completed, the subdivider may apply to the governing body for a release of part of the collateral deposited with the governing body. The proporition of the collateral released may not exceed the proportion which the improvements completed represent of all originally required improvements.

If the governing body determines that any improvements are not constructed in compliance with specifications, it shall furnish the subdivider with a list of specific deficiencies and may withhold collateral sufficient to ensure such compliance. If the governing body determines that the subdivider will not construct any or all of the improvements in accordance with specifications, or within required time limits, it may withdraw collateral and employ such funds as may be necessary to construct the improvement or improvements in accordance with the specifications. Unused portions of these funds shall be returned to the subdivider or crediting institution, as is appropriate.

APPENDIX C

Sample Forms

1. Notice of Public Hearing on Proposed Subdivision Regulations
2. Application for Approval of Preliminary Subdivision Plat
3. Preliminary Plat Review Checklist
4. Notice of Public Hearing on Preliminary Plat
5. Application for Approval of Final or Minor Subdivision Plat
6. Certificate of Completion of Public Improvements/Improvement Agreement
7. Certificate of Surveyor--Final Plat
8. Certificate of Examining Land Surveyor Where Required
9. Certificate of Dedication--Final Plat
10. Certificate of Consent to Dedication by Encumbrancers
11. Certificate of Waiver of Park Land Dedication and Acceptance of Cash in Lieu Thereof
12. Certificate Stating Facts Authorizing the Governing Body to Waive Park Dedication under the Five-Acre, Single Family Dwelling Exemption of the Subdivision and Platting Act

12.a Covenant

13. Certificate of Facts Exempting Division of Land for Agricultural Purposes from Review as a Subdivision

13.a Covenant

14. Certificate of Final Plat Approval--County
15. Certificate of Final Plat Approval--City
16. Certificate of Filing by Clerk and Recorder

1. NOTICE OF PUBLIC HEARING ON PROPOSED SUBDIVISION REGULATIONS

Notice of Public Hearing

The (Name of Governing Body) will hold a public hearing, pursuant to the Montana Subdivision and Platting Act on proposed subdivision regulations for the (City or County).

Said subdivision regulations, if adopted by (Name of Governing Body), shall thereafter regulate and control the subdivision of land in the (City or County).

Copies of the complete text of the proposed regulations may be seen at _____ during regular business hours.

The public hearing will be held on (Date), at (Time), at (Place), at which time all persons interested will be given an opportunity to be heard.

By order of the (Name of Governing Body) dated _____

_____Chairman _____Clerk

2. APPLICATION FOR APPROVAL OF PRELIMINARY SUBDIVISION PLAT

1. Name, address and telephone number of landowner and representative, if any (eg: engineer, surveyor).

_____
_____
_____
_____

2. Name of development, if any _____

3. Location (City or County) _____
Section (to ¼ Section) _____Township_____Range_____

4. Descriptive Data:
   a. Total area in acres _____
   b. Number of lots or rental spaces _____
   c. Minimum and maximum sizes of lots or spaces _____

   Indicate the proposed use(s) and number of lots or spaces in each:

   _____Residential, single family
   _____Residential, multiple family
   Types of multiple family structures and numbers of each (eg: duplex, four-plex)
   _____Planned Unit Development (No. of units_____)
   _____Condominium (No. of units_____)
   _____Recreational or Second Home
   _____Mobile Home Park
   _____Recreation Vehicle Park
   _____Commercial or Industrial
   _____Other (please describe) _____
   _____
   _____

5. Physical Conditions:

   Provide the following information regarding the development:
   a. Current land use _____
   b. Existing zoning or other regulations _____
   c. Depth to ground water at time of year when water table is nearest the natural ground surface within the drainfield area.
   d. Depth to bedrock or other impervious material in the drainfield area.

6. List of materials submitted with this application:

a. _____	e. _____
b. _____	f. _____
c. _____	g. _____
d. _____	h. _____

I hereby depose and say that all the statements and information contained herein and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (governing body) of (city or county) for approval of the preliminary plat for (name of subdivision) Subdivision.

_____

Subdivider or Agent

The DHES/Local Government Joint Subdivision Application Form may be used in place of this application.

3. PRELIMINARY PLAT REVIEW CHECKLIST

Name of Subdivision _____

Location _____

_____
(Section, Range, Township and Quarter-Section)

Name, Address and Telephone Number of Subdivider.

_____

_____

CHECKLIST

	Yes	No
1. Complete preliminary plat application.....		
2. Required number of plats and supplements submitted.....		
3. Filing fee paid.....		
4. Subdivision name duplicates other.....		
5. Correct preliminary plat size.....		
6. Preliminary plat contains on the face of the plat or on separate sheets referenced on the face of the plat:		
a. Title block:		
(1) Name of subdivision.....		
(2) Location.....		
(3) Scale.....		
(4) North arrow.....		
(5) Date of preparation.....		
b. The approximate exterior boundaries of the platted tract.....		
c. The approximate location of all section corners or legal subdivision corners of sections pertinent to the subdivision boundary.....		

	Yes	No
d. All lots and blocks, designated by numbers, and the approximate dimensions and area of each lot.....		
e. All streets, alleys, avenues, roads and highways, and the width of the right-of-way of each with existing and proposed street names, and proposed locations of intersections or other access points for any subdivision requiring access to arterial or collector highways.....		
f. The approximate location, boundaries, dimensions and areas of all parks, common grounds, and other grounds dedicated for public use.....		
g. Any existing and proposed utilities located on and adjacent to the tract including:		
(1) The approximate location, size and depth of sanitary and storm sewers....		
(2) The approximate location, size and depth of water mains and fire hydrants.....		
(3) The approximate location of gas, electric and telephone lines, and street lights.....		
(4) The apprxoimate location of nearest water mains and sewer lines where none are located on or adjacent to the tract.....		
h. Ground contours provided according to United States Geological Survey data or other information.....		
i. The approximate location of any existing buildings, structures and improvements...		
j. The approximate location and identification of all existing easements and rights-of-way of record and proposed public and private easements and rights-of-way, including description of their width and purpose.....		

Yes No

7. Preliminary plat supplements including:

a. A vicinity sketch or sketches showing conditions on adjacent land including:

(1) The names of adjoining platted subdivisions and numbers of adjoining certificates of survey previously recorded.....

(2) The ownership of all lands adjacent to the subdivision and to any access road leading from a present public right-of-way to the boundary of the proposed subdivision.....

(3) Location of any buildings, railroads, power lines, towers, roads and other nearby land uses.....

(4) Any existing or proposed zoning.....

b. A current U.S. Geological Survey topographic map, an aerial photograph, or a location map of the largest scale available, with an outline of the subdivision clearly indicated thereon.....

c. When a tract of land is to be subdivided in in phases, an overall development plan indicating the subdivider's intentions for the development of the remainder of the tract.....

d. Drafts of any covenants and restrictions to be included in deeds or contracts for sale.....

e. If common property is to be deeded to a property owners' association, the subdivider filed a draft of the covenants and restrictions that will govern the association. These covenants and restrictions must at a minimum, provide that:

(1) The property owners' association will be formed before any property is sold

(2) Membership is mandatory for each property buyer and any subsequent buyer.

(3) The reservation of the common property will be perpetual.....

	Yes	No
(4) The association is responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.....		
(5) Property owners' must pay their pro-rata share of the cost and the assessment charged by the association can become a lien on individual parcels...		
(6) The association may adjust assessments to meet changing needs.....		
f. An environmental assessment of the proposed subdivision, when required.....		
g. Floodway survey data, when required.....		

4. NOTICE OF PUBLIC HEARING ON PRELIMINARY PLAT

Notice of Public Hearing

The Planning Board of the (County or City) of_____ will hold a public hearing on the application of (Name of Subdivider) for approval of a preliminary plat for the _____ _____ Subdivision located (describe general location, including section, range, township and quarter-section and a general description of the subdivision.)

The HEARING will be held on the _____ day of _____, 19, at _____ at _____ o'clock, at which time all interested persons will be given an opportunity to comment.

By order of the Planning Board.

_____, Clerk (or Chairman)

5. APPLICATION FOR APPROVAL OF FINAL PLAT

1. Name of Subdivision _____

2. Name, address and telephone number of landowner and representative, if any (eg: engineer, surveyor).

_____
_____
_____
_____

3. Location (City or County) _____
Section (to ¼ section) _____Township_____Range_____

4. a. Gross Area of Subdivision in Acres _____

b. Number of Lots _____

Indicate the proposed use(s) and number of lots or spaces in each:

_____Residential, single family
_____Residential, multiple family
Types of multiple family structures and numbers of each (eg: duplex, 4-plex)
_____Planned Unit Development (No. of units _____)
_____Condominium (No. of units_____)
_____Recreation or Second Home
_____Commercial or Industrial
_____Other (please describe) _____
_____
_____

c. Date Preliminary Plat Approved: _____
Any Conditions? _____ (If Yes, attach list of conditions.)

d. Any Deed Restrictions? _____(Attach Copy if Yes)

e. Any Covenants? _____(Attach Copy if Yes)

f. All improvements installed? _____
(If No, attach a subdivision improvements agreement.)

6. List of materials submitted with this application:

a. _____ e. _____
b. _____ f. _____
c. _____ g. _____
d. _____ h. _____

I do hereby depose and say that all the statements and information and the statements and information contained in all exhibits transmitted herewith are true. I hereby apply to the (governing body) of (city or county of subdivision) Subdivision.

_____
(Signature of subdivider or agent)

- -

FOR OFFICIAL USE ONLY

1. Application Number _____

2. Date Application Submitted _____

3. Date by which Final Plat must be approved or rejected

_____

6. CERTIFICATE OF COMPLETION OF PUBLIC IMPROVEMENTS/SUBDIVISION IMPROVEMENT AGREEMENT (To be submitted with application for approval of final subdivision plat)

CERTIFICATE OF COMPLETION

I, (Name of Subdivider), and I, (Name of Subdivider's Registered Engineer), a registered professional engineer licensed to practice in the State of Montana, hereby certify that the following public improvements, required as a condition of approval of (Name of Subdivision), have been installed in conformance with the attached engineering specifications and plans: (Here list the improvements actually installed).

(Signature of Subdivider) (Date)

(Signature of Professional Engineer) (Date)
Registration No. _____ (Engineer's Seal)
(Address)

IMPROVEMENT AGREEMENT

(Name of Subdivider), the subdivider, hereby agrees to construct the following public improvements in (Name of Subdivision) in conformance with the time schedule set forth below. To ensure the installation of these improvements the subdivider agrees to enter into the following security arrangement with (Name of Governing Body): (Here set forth the terms of the security arrangement including the form of the security, conditions for release of collateral, inspection provisions, and the effect of non-performance by the subdivider).

_____ _____
(Date) (Signature of Subdivider)

ACCEPTANCE

The above improvement agreement is hereby approved by the (name of governing body).

_____ _____
(Date) (Authorized Signature)

7. CERTIFICATE OF SURVEYOR -- FINAL PLAT

State of Montana)
) ss.
County of_____)

I, (Name of Surveyor), a registered Land Surveyor do hereby certify that I have performed the survey shown on the attached plat of (Name of Subdivision); that such survey was made in (Date of Survey); that said survey is true and complete as shown and that the monuments found and set are of the character and occupy the position shown thereon.

Dated this _____day of _____, 19____

(Seal)

(Signature of Surveyor)
Registration No. _____
(Address)

8. CERTIFICATE OF EXAMINING LAND SURVEYOR WHERE REQUIRED -- FINAL PLAT

I, (Name of Examining Land Surveyor), acting as an Examining Land Surveyor for (City or County), Montana, do hereby certify that I have examined the final plat of (Name of Subdivision) and find that the survey data shown thereon meet the conditions set forth by or pursuant to Title 76, Chapter 3, Part 4.

Dated this _____ day of _____, 19_____

(Seal of Examining Land Surveyor)

(Signature)
(Name of Surveyor)
Registration No. ____
(City or County), Montana

9. CERTIFICATE OF DEDICATION -- FINAL PLAT

(I) (We), the undersigned property owner(s), do hereby certify that (I) (we) have caused to be surveyed, subdivided and platted into lots, blocks, streets and alleys, as shown by the plat hereto annexed, the following described land in (City and County if in Unincorporated Area), to-wit:

(Exterior boundary description of area contained in plat and total acreage)

The above described tract of land is to be known and designated as (Name of Subdivision), and the lands included in all streets, avenues, alleys, and parks or public squares shown on said plat are hereby granted and donated to the use of the public forever.

Dated this _____ day of _____, 19_____.

(Acknowledged and notarized signatures of all record owners of the platted property)

10. CONSENT TO DEDICATION BY ENCUMBRANCERS, IF ANY

(I) (We), the undersigned encumbrancer(s), do hereby join in and consent to the annexed plat and release (my) (our) respective liens, claims and encumbrances as to any portion of said lands shown on such plat as being dedicated to the use of the public forever.

Dated this _____ day of _____, 19_____.

(Acknowledged and notarized signatures of all encumbrancers of record)

11. CERTIFICATE OF WAIVER OF PARK LAND DEDICATION AND ACCEPTANCE OF CASH IN LIEU THEREOF

I, (Name of City or County Clerk), (Clerk) (Clerk and Recorder) of (Name of City or County), Montana, do certify that the following order was made by the (Governing Body) of (Name of City or County) at a meeting thereof held on the _____ day of _____, 19____, and entered into the proceedings of said Body to-wit: "Inasmuch as the dedication of park land within the platted area of (Name of Subdivision) is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the (Name of Governing Body) that land dedication for park purposes be waived and that cash in lieu of park land, in the amount of _____ dollars ($), be accepted in accordance with the provisions of Title 76, Chapter 3."

In witness whereof, I have hereunto affixed the seal of (Name of City or County), Montana this _____ day of _____, 19_____.

(Seal) (Signature of Clerk)

12. CERTIFICATE STATING FACTS AUTHORIZING THE GOVERNING BODY TO WAIVE PARK DEDICATION UNDER THE FIVE-ACRE, SINGLE FAMILY DWELLING EXEMPTION OF THE MONTANA SUBDIVISION AND PLATTING ACT

(To be submitted with preliminary plat)

CERTIFICATE

(Name of Subdivider), referred to herein as the subdivider, hereby certifies that all of the parcels with (Name of Subdivision) contain five (5) acres or more and that the Subdivider will enter into a covenant to run with the land and revocable only by mutual consent of the owners of the parcels in question and the governing body of (Name of City or County), that the parcels in the subdivision will never be subdivided into parcels of less than five (5) acres and that only single family dewllings and associated outbuildings will be constructed on any single lot or parcel within the boundaries of the subdivision and only one single lot or parcel within the subdivision. A copy of this covenant is attached hereto.

(Date) (Notarized Signature of Subdivider)

12.a DECLARATION OF COVENANT
(To be shown on or filed with final Plat)

THIS DECLARATION made on the date hereafter set forth, by (name of subdivider), hereinafter referred to as Declarant,

W I T N E S S E T H

THAT WHEREAS, Declarant is the owner of certain property known as (Name of Subdivision) in (City and County), State of Montana, which is more particularly described in Exhibit A, attached hereto, and by this reference made a part hereof;

NOW, THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold, and conveyed subject to the following covenant which shall run with the real property and be binding on all parties having any right, title, or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall bind each owner thereof. The covenant may be revoked for any or all parcels within the subdivision by mutual consent of the owners of the parcels in question and the governing body of (City or County). TO WIT:

No parcels within (Name of Subdivision) may be resubdivided into parcels containing less than five (5) acres and only single family dwellings and their associated outbuildings may be constructed within the boundaries of the subdivision, and only one such dwelling may be constructed on any present or future parcel or lot within the constructed subdivision. For purpose of this restriction "single family dwelling" shall mean a building under one roof designed and intended for use and occupancy as a residence by a single family.

The governing body of (Name of City or County) is deemed to be a party to and may enforce this covenant.

IN WITNESS WHEREOF, the undersigned, being the Declarant, herein, has hereunto set his hand his (date) day of (month), (year).

(Signature of Subdivider)
Acknowledgement and notarization
of Signature

13. CERTIFICATE OF FACTS EXEMPTION DIVISION OF LAND FOR AGRICULTURAL PURPOSES FROM REVIEW AS A SUBDIVISION

The land owner's certification must read substantially as follows:

"I (we) certify that the purpose of this survey is to create a parcel as an agricultural tract, and that a covenant has been entered into, with the buyer, revocable only by mutual consent of the governing body and the property owner, that the land will be used exclusively for agricultural use, and that this survey is therefore exempt from review as a subdivision pursuant to Section 76-3-207(c), M.C.A.

The covenant which restricts the property to agricultural use must be filed with the COS. The covenant may be shown on the face of the certificate or it may be a separate document filed with the certificate.

(Date) (Notarized Signature of Property Owner)

13.a DECLARATION OF COVENANT

This Declaration made this ____ day of _____, 19____, by (Name of Property Owner(s), hereinafter referred to as the "Declarant(s)");

That whereas, Declarant is the owner of certain property described on certificate of survey number _____ on file and of record in the office of the Clerk and Recorder of _____ County, Montana.

Now, therefore, Declarant hereby declares that the parcel(s) described above which contain less than twenty acres shall be held sold, and conveyed in any matter subject to the following covenant, which shall run with the real property and be binding on all parties having any right, title or interest in the described property (properties) or any part thereof, their heirs, executors, successors, administrators and assignees, and shall bind each owner thereof. This covenant may be revoked by mutual consent of the owners of the parcel(s) in question and the governing body of (Name of City or County). The governing body is deemed to be a party to and may enforce this covenant. TO WIT.

The parcel(s) shown on the certificate of survey number _____ as containing less than twenty acres, shall be used exclusively for agricultural purposes and that no building or structure requiring water or sewage facilities will be erected or utilized.

IN WITNESS WHEREOF, the undersigned, being the Declarant(s), herein, has hereunto set his hand this ____ day of _____, 19____.

_____
(Signature of Property Owner)

_____
(Acknowledgement and Notarization)

14. CERTIFICATE OF FINAL PLAT APPROVAL -- COUNTY

The County Commission of _____ County, Montana, does hereby certify that it has examined this subdivision plat and having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this the ____ day of _____, 19____.

(Signatures of Commissioners)

ATTEST: (Signature of Name of Clerk and Recorder
_____, Montana

(Seal of County)

15. CERTIFICATE OF FINAL PLAT APPROVAL -- CITY

The (Commission) (Council) of the City of (Name of City), Montana, does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this ____ day of _____, 19____.

by (Signature of City Clerk)
Clerk

(Signature of Mayor)
Mayor

(Seal of City)

16. CERTIFICATE OF FILING BY CLERK AND RECORDER

STATE OF MONTANA)
) ss.
COUNTY OF _____)

File for record this ____ day of _____, 19____ at _____ o'clock.

(Signature of Clerk
County Clerk and Recorder
_____, Montana

APPENDIX D

FEE SCHEDULE

11-3868

PRELIMINARY PLAT REVIEW

In order to cover costs of reviewing plans, advertising, holding public hearings, or other expenses incidental to the approval of a subdivision, the subdivider shall pay a non-refundable fee at the time of application for approval of a preliminary subdivision plat. The fees shall be charged and payable to the county (or city) treasurer at the following rates:

Number of Lots	Fee
1 - 25	$5.00 per lot ($35.00 minimum)
26 - 50	$125.00 plus $2.50 for each lot in excess of 25
Over 50	$187.40 plus $1.00 for each lot in excess of 50

FINAL PLAT REVIEW AND INSPECTION

To cover the cost of on-site inspection of the subdivision, the subdivider shall pay a non-refundable fee at the time of application for final approval to the county (or city) treasurer at the following rates:

Number of Lots	Fee
1 - 25	$50.00
26 - 50	$50.00 plus $1.00 for each lot in excess of 25
Over 50	$100.00 plus $0.80 for each lot in excess of 50

In addition, the subdivider shall pay all additional direct costs incurred by the governing body for review and inspection before filing the final plat.

MINOR SUBDIVISIONS

The review fee for a minor subdivision shall be $25.00

FEES FOR VACATING OR AMENDING OF PLAT

The property owners petitioning for the vacation or amendment of a filed subdivision plat shall pay all direct costs incurred by the governing body in vacating or amending the plat.

APPENDIX E

Montana Administrative Code: Sub-Chapter 26

Flood Hazard Evaluations

22-2.4B(26)-S4070 REQUIREMENTS FOR FLOOD HAZARD EVALUATIONS

(1) Local regulations shall require that where a subdivider is required to provide data for use in defining the 100-year floodway of a stream subject to flooding as specified in section 22-2.4B(10)-S440(1)(b), he shall furnish the following:

(a) A copy of the plat showing contour intervals.

(b) The location and elevation of a temporary benchmark established within the subdivision and referenced to mean sea level with appropriate elevation adjustments (1929 G.A.; 1947 S.A.).

(c) A minimum of four (4) surveyed valley cross sections of the stream according to the following requirements:

(i) Cross sections shall include the stream channel and flood plain on both banks.

(ii) One cross section shall be taken at a point on the stream from which it could be extended through the subdivision.

(iii) Three (3) cross sections shall be taken downstream from the subdivision, each approximately 1,000 feet apart, but in no case may be vertical drop between cross sections exceed 5.0 feet. The cross section farthest downstream should be located at a natural constriction or bridge crossing. Cross sections shall be taken at any bridge location between the subdivision and lowest cross section.

(iv) Distances between cross sections are to be determined by stadia, and these distances and locations of cross sections shall be shown on the location map.

(v) The overbank cross sections are to be extended to obtain a vertical rise of fifteen (15) feet above the water surface.

(d) If a U.S. Geological Survey gauging station is within the reach of the stream under study, the elevation of any convenient foot mark shall be surveyed and clearly indicated on the location map.

(e) Descriptions and sketches of all bridges within the reach, showing unobstructed waterway opening and elevations.

(f) Elevations of the water surface determined by survey as part of each valley cross section.

(g) Cross sections plotted on cross section paper of ten (10) divisions to the inch using any convenient, identified scale for vertical and horizontal distance.

(h) A profile sheet prepared on cross section paper of ten (10) divisions to the inch, showing the observed water surface profile, location of cross sections, subdivision boundaries, riverbank profile, and thalweg (lowest point of the channel bottom along the reach of stream).

(i) A location map, such as U.S. Geological Survey 7-1/2 minute quad or similar map, showing the proposed subdivision, the locations or the valley cross sections, and any gauging stations.

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